

**TUESDAY, JUNE 18, 1991**

**FIFTY-SECOND LEGISLATIVE DAY**

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Mark Harrill, Youth Minister, Stone's River Church of Christ, Murfreesboro, Tennessee.

Representative John Bragg led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 98

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Cross; due to illness (will be out all week).

**REPORT OF CHIEF ENGROSSING CLERK  
May 31, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 1036, 1141, 1622, 1623, 1624 and 1628; also, House Joint Resolution(s) No(s). 247, 248, 249, 355, 356, 357, 358, 359,

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360, 361, 362, 363, 364, 365, 366, 367, 368, 371, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 400, 402 and 404; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED**  
**May 31, 1991**

The Speaker announced that he had signed the following: House Bill(s) No(s). 457, 519, 771, 861, 1407, 1523, 1590, 1591, 1603, 1604, 1614, 1615, 1617, 1619, 1620, 1625, 1629, 1632, 1633, 1634, 1635, 1636, 1637, 1638 and 1641; House Joint Resolution(s) No(s). 231, 385, 386, 387, 388, 389, 390, 392, 393, 394, 396, 397, 399, 401, 403, 405, 407, 408, 410, 411 and 413; also, House Resolution(s) No(s). 129 and 132.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**  
**May 31, 1991**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1252, with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**SIGNED**  
**June 3, 1991**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 29, 207, 309, 311, 408, 415, 489, 509, 645, 827, 894, 995, 1255 and 1358; also, Senate Joint Resolution(s) No(s). 271, 272, 274, 284, 289, 292 and 293.

**MESSAGE FROM THE GOVERNOR**  
**June 3, 1991**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 288, 312, 391, 539, 881, 963, 1026, 1594, 1601, 1602, 1608, 1610 and 1611; also, House Joint Resolution(s) No(s). 67, 177, 234, 238, 239, 240, 242, 243, 245, 246, 260, 270, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354 and 391; with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

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MESSAGE FROM THE GOVERNOR  
June 3, 1991

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DAVID H. WELLES,  
Counsel to the Governor.

MESSAGE FROM THE GOVERNOR  
June 4, 1991

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution No. 190, without his signature.

DAVID H. WELLES,  
Counsel to the Governor.

June 3, 1991

The Honorable James O. Naifeh  
Speaker of the House  
Suite 19, Legislative Plaza  
Nashville, TN 37243

Dear Speaker Naifeh:

I am returning herewith House Joint Resolution 190 without my signature.

HJR 190 urges the Attorney General to appeal to the appellate courts the case of Tennessee Small Schools v Ned Ray McWherter, in the event the Chancery Court rules against the state.

Until such time that I have reviewed and fully understand whatever the ruling of the Chancery Court may be, I have no way of knowing whether or not I would recommend an appeal. It is for this reason that I return the resolution without my signature.

Sincerely,  
/s/Ned McWherter

MESSAGE FROM THE SENATE  
June 17, 1991

MR. SPEAKER: I am directed to return to the House, House

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Bill(s) No(s). 1632, 1637 and 1638; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK  
June 17, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 1632, 1637 and 1638; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR  
June 17, 1991**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1632, 1637 and 1638, with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**MESSAGE FROM THE SENATE  
June 18, 1991**

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CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
June 18, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 629, 669, 1326, 1471, 1557, 1611 and 1621; also, Senate Joint Resolution(s) No(s). 280, 283, 288, 290, 294, 295, 296, 297, 298, 300, 301, 302 and 303; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**TUESDAY, JUNE 18, 1991 -- FIFTY-SECOND LEGISLATIVE DAY**

**SIGNED  
June 18, 1991**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 629, 669, 1326, 1471, 1557, 1611 and 1621; also, Senate Joint Resolution(s) No(s). 280, 283, 288, 290, 294, 295, 296, 297, 298, 300, 301, 302 and 303.

**REPORT OF CHIEF ENGROSSING CLERK  
June 18, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 457, 771, 861, 1407, 1523, 1590, 1591, 1603, 1604, 1614, 1615, 1617, 1619, 1620, 1625, 1629, 1633, 1634, 1635, 1636 and 1641; also, House Joint Resolution(s) No(s). 231, 385, 386, 387, 388, 389, 390, 392, 393, 394, 396, 397, 399, 401, 403, 405, 407, 408, 410, 411 and 413; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**CHAIR TO DEBERRY**

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

**MOTION TO RECESS**

On motion of Speaker Naifeh, the House recessed briefly.

**RECOGNITION**

Speaker Pro Tempore DeBerry recognized Speaker Naifeh and Senator Dunavant so that the Munford High Cougars might be recognized in the well.

**RECESS EXPIRED**

The recess having expired, Mr. Speaker Naifeh resumed the Chair and called the House to order, the roll call having been dispensed with.

**MOTION**

Rep. Bragg moved that House Bill No. 303, on the Calendar today, be re-referred to the Finance, Ways and Means Committee, which motion prevailed.

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**RULES SUSPENDED**

Rep. Purcell moved that all congratulatory and memorializing resolutions lying on the Clerk's desk be placed on a Special Consent Calendar, which motion prevailed.

**REGULAR CALENDAR**

**\*House Bill No. 0575** -- Election Laws -- Prohibits certain at large elections from multi-member districts, wards or zones. Amends TCA, Title 2.

Further consideration of House Bill No. 575, previously considered on April 8, 11 and 17, 1991, at which time Amendments Nos. 1, 2 and 3 were adopted; the motion was made to adopt Amendment No. 4 and the bill was reset to the Calendar for June 18, 1991.

**CHAIR TO DEBERRY**

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

**REGULAR CALENDAR, CONTINUED**

Rep. R. Jones moved that House Bill No. 575 be passed on third and final consideration.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

**REGULAR CALENDAR, CONTINUED**

Thereupon, Rep. Haley renewed the motion to adopt Amendment No. 4, previously filed.

**RULING OF THE CHAIR**

Rep. Dixon moved to table Amendment No. 4, which motion the chair ruled out of order, since the same motion had been made the day House Bill No. 575 was previously considered.

**REGULAR CALENDAR, CONTINUED**

On motion, Amendment No. 4 was adopted by the following vote:

Ayes. . . . .	49
Noes. . . . .	39
Present and not voting. . . . .	7

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Representatives voting aye were: Allen, Bittle, Byrd, Callicott, Chiles, Coffey, Cole, Copeland, Davis (Cocke), Davis (Knox), Duer, Garrett, Givens, Gunnels, Haley, Halteman, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Hubbard, Huskey, Joyce, Kent, King, Liles, McAfee, McDaniel, Meyer, Napier, Niceley, Nuber, Peroulas Draper, Rigsby, Robinson (Washington), Shirley, Sipes, Stamps, Tullis, Turner (Hamilton), Venable, Walley, Whitson, Williams (Shelby), Williams (Union), Wood -- 49.

Representatives voting no were: Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Chumney, Clark, Crain, Curlee, Davidson, Davis (Gibson), DeBerry, Dixon, Ferguson, Hargrove, Herron, Holt, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kernell, Kisber, Knight, Love, Moore, Odom, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Rinks, Robinson (Davidson), Robinson (Hamilton), Tindell, Turner (Shelby), Mr. Speaker Naifeh -- 39.

Representatives present and not voting were: Anderson, Fowlkes, McKee, Pinion, West, Windle, Winningham -- 7.

Rep. Kent moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. R. Jones moved that Amendment No. 6 be withdrawn, which motion prevailed.

Thereupon, Rep. R. Jones moved that House Bill No. 575, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	59
Noes. . . . .	18
Present and not voting. . . . .	19

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Hargrove, Head, Herron, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kernell, Kisber, Knight, Love, Moore, Napier, Odom, Peroulas Draper, Phillips, Pruitt, Purcell, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Shirley, Tindell, Turner (Hamilton), Turner (Shelby), West, Whitson, Williams (Shelby), Windle, Wix, Mr. Speaker Naifeh -- 59.

Representatives voting no were: Allen, Chiles, Cole, Davis (Knox), Haley, Harrill, Hassell, Joyce, Kent, Liles, Meyer, Niceley, Nuber, Robinson (Washington), Tullis, Venable, Winningham, Wood -- 18.

Representatives present and not voting were: Anderson, Givens, Gunnels, Halteman, Haun, Hill, Holcomb, Hubbard, King, McAfee, McDaniel, McKee, Pinion, Rhinehart, Severance, Sipes, Stamps, Walley, Williams (Union) -- 19.

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A motion to reconsider was tabled.

**Senate Bill No. 0064** -- Firearms and Ammunition -- Removes requirement that weapons must be carried with intent to go armed on school property or in public parks in order to be unlawful. Amends TCA, Title 39, Ch. 17, Pt. 13.

Further consideration of **Senate Bill No. 64**, previously considered on May 16, 20 and 23, at which time it was substituted for House Bill No. 32; Amendments Nos. 1, 2, 3 and 4 were withdrawn; Amendment No. 5 was adopted; the bill passed as amended; placed on the Message Calendar, the motion to lift from the table and the motion to reconsider were adopted, Amendment No. 1 to 6 was tabled; Amendment No. 2 to 6 was adopted the motion to adopt Amendment No. 6, as amended, was made, and the bill was reset to the Regular Calendar for June 18, 1991.

Rep. Hubbard moved that **Senate Bill No. 64** be passed on third and final consideration.

Rep. Buck moved that the motion to adopt Amendment No. 6 as amended, previously filed, be withdrawn, which motion prevailed.

Rep. Hubbard moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 5 to **Senate Bill No. 64**, which motion prevailed.

Thereupon, Rep. Hubbard moved that **Senate Bill No. 64**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	78
Noes. . . . .	13

Representatives voting aye were: Allen, Anderson, Armstrong, Bittle, Bivens, Bragg, Buck, Callicott, Chiles, Chumney, Clark, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Duer, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Joyce, Kent, King, Kisber, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Odom, Peroulas Draper, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Sipes, Stamps, Tindell, Tullos, Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Wix, Mr. Speaker Naifeh -- 78.

Representatives voting no were: Arriola, Bell, Byrd, Davis (Knox), Ferguson, Knight, McAfee, Niceley, Severance, Shirley, Turner (Hamilton), Windle, Winningham -- 13.

A motion to reconsider was tabled.



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**House Bill No. 1642** -- Hardeman County -- Authorizes privilege tax on operation of commercial facility separating hazardous substances generating hazardous waste as byproduct.

Further consideration of House Bill No. 1642, previously considered on May, 30, 1991, at which time it was reset to the Calendar for June 18, 1991.

Rep. Walley moved that House Bill No. 1642 be reset to the first available space on the Calendar for March, 1992, which motion prevailed.

**MESSAGE CALENDAR**

**HOUSE ACTION ON SENATE MESSAGE**

**\*House Bill No. 0752** -- Education -- Enacts "Education Improvement Act of 1991". Amends TCA, Titles 8, 49.

**Senate Amendment No. 1**

AMEND House Bill No. 752 by deleting each and every section of House Bill 752 and by substituting instead new Sections 1 through 50, namely:

Sections 1 through 50 of Senate Bill 1231 as introduced on February 6, 1991, printed and distributed as House Bill 752, and considered, as introduced, to be a part of this amendment.

**Senate Amendment No. 2**

AMEND House Bill No. 752 by deleting Section 2 of the bill in its entirety and substituting instead the following:

Section 2. Tennessee Code Annotated, Section 49-1-302(a), is amended by deleting subdivision (4) and substituting instead the following:

(4) Develop and adopt policies, formulas, and guidelines for the fair and equitable distribution and use of public funds among public schools and for the funding of all requirements of state laws, rules, regulations and other required expenses, and to regulate expenditures of state appropriations for public education, grades kindergarten (K) through twelve (12). Such policies, formulas and guidelines may be changed as necessary, but not more often than once per appropriation period, and shall not be considered rules subject to promulgation under the Administrative Procedures Act, Title 4, Chapter 5. Such policies, formulas and guidelines as are adopted by the board shall consider and include provisions for current operation and maintenance, textbooks, school

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food services, vocational and technical education, number of programs of pupils served, measurable pupil improvement, reduction of pupil dropouts, teacher training, experience and certification, pupil-teacher ratio, substitute teacher reimbursement, requirements prescribed by state laws, rules, regulations or other required costs, and inflation; and may include other elements deemed by the board to be necessary. The board shall establish a review committee for the Tennessee Basic Education Program. The committee shall include the commissioners of education and finance and administration, or their designees. Others may be appointed by the board as determined by the board. Any changes in the Basic Education Program components of the formula as approved by the board for the 1991-92 fiscal year must first be approved by the commissioners of education and finance and administration.

AND FURTHER AMEND by adding a new sentence, as follows, at the end of subsection 49-3-301(a):

The Tennessee basic education program shall include requirements prescribed by state law, regulations, rules and other required costs.

AND FURTHER AMEND by inserting in subsection 49-3-301(b) of Section 3 of the bill the words "grades kindergarten (K) through twelve (12)" after the words "public education" and before the words "shall be".

AND FURTHER AMEND by deleting the word "masters" in line 8 of subsection 49-3-302(a) in Section 3 of the bill and substituting instead the word "bachelors".

AND FURTHER AMEND by deleting the period "." at the end of subsection 49-3-302(c) of Section 3 of the bill and substituting instead:

for its line item salary accounts.

AND FURTHER AMEND by deleting subsection (e) in Section 4 of the bill as introduced in its entirety and substituting instead the following:

(e) During the first year of probation, the state department of education will conduct a comprehensive study of the system. The study will include recommendations on how the school system can improve and meet the performance standards. If a system or school does not meet the standards in the first year, the system or school will remain on probation. If during the first or second year that a system or school is on probation the system meets or exceeds the performance standards, the commissioner will cancel the probationary status. If after two (2)

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consecutive years a system remains on probation, the commissioner is authorized to recommend to the state board of education that both the local board of education and the superintendent be removed from office. If the state board concurs with the recommendation, the commissioner shall order the removal of some or all of the board members and/or superintendent and shall declare a vacancy in the office or offices. Vacancies on the board shall be filled by the local legislative body until the next general election for which candidates have time, under law, to qualify and the candidate so elected qualifies to hold the office as provided by law or for the remainder of the term if no such election occurs during the remainder of the term. Any person elected to fill a vacancy shall serve the remainder of the term. Vacancies in the office of school superintendent shall be filled in accordance with the provisions of law. Any superintendent or board member removed under this section shall be ineligible for election or appointment to such office for the remainder of their term and for one (1) full term thereafter.

AND FURTHER AMEND by deleting Section 41 of the bill in its entirety and substituting the following:

Section 41. Tennessee Code Annotated, Section 49-2-201, is amended by deleting the section substituting the following instead:

49-2-201. Notwithstanding any other law to the contrary, there shall be a board of education elected by the people. The said board shall consist of no more members than are authorized by law for the boards in existence on January 1, 1991. The members of the board of education shall be elected for a term of four (4) years, and may succeed themselves. For the first election held pursuant to this section, in order to establish staggered terms of office, the members from even numbered districts shall be elected for a term of two (2) years, and the members of odd numbered districts shall be elected for four (4) years. Members shall be residents of and elected from districts of equal population by the qualified voters of that district. Vacancies occurring on the board shall be filled by the local legislative body. Any person so appointed shall serve until a successor is elected and qualified according to law. The successor shall be elected at the next general election for which candidates have a sufficient time to qualify under the law.

AND FURTHER AMEND by deleting the word "and" at the end of subsection (b)(11) of Section 5 of the bill.

AND FURTHER AMEND by deleting the period "." at the end of subsection (b)(12) of Section 5 and inserting instead the

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following: "; and".

AND FURTHER AMEND by adding the following language as a new subsection (b)(13) in Section 5 of the bill:

(13) members of local legislative bodies.

AND FURTHER AMEND by deleting Section 38 of the bill in its entirety and substituting instead the following:

Section 38. Tennessee Code Annotated, Title 49, Chapter 3, Part 12, is amended by adding the following new section:

49-3-1210 Any local board of education shall, by motion duly adopted, be authorized to participate in bond funds issued by the authority with approval of the local governing body; provided, however, that such participation shall be pursuant to policies adopted by the authority and subject to all restrictions imposed by the authority.

AND FURTHER AMEND by deleting Section 49-3-303 from the amendatory language in Section 3 in its entirety and substituting instead the following:

49-3-303(a)(1). There is hereby established within the general fund of each local education agency a special revenue account to be known as the "Dedicated Education Fund".

(2) All appropriations from all sources to fund public education will be deposited in this fund. Money in the Dedicated Education Fund shall be invested as provided by law.

(b) Any fund balance remaining unexpended at the end of a fiscal year in any individual fund of the local public education system shall be carried forward into the subsequent fiscal year. The accumulated fund balance shall not be used to reduce the required contribution of the local legislative body.

AND FURTHER AMEND by inserting in Section 8 of the introduced bill the words and figures "not less than two (2) years nor more than" between the words "of" and "four".  
#10

AND FURTHER AMEND by deleting Section 13 in its entirety and substituting instead the following:

Section 13. Tennessee Code Annotated, Section 49-2-301, subsection (f), is amended by adding thereto the following new subdivisions:

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(1) Employ, transfer, suspend, non-renew and dismiss all personnel within the approved budget, except as provided in Section 49-2-203(a)(1) and in part 5 of chapter 5 of this title.

(2) All persons who are employed in a position for which no teaching license is required shall be hired on a year-to-year contract. The superintendent shall provide a person who is employed in such a position fifteen (15) days' notice of nonrenewal of the contract before the end of the contract period.

(3) The superintendent may dismiss any employee under his jurisdiction for incompetence, inefficiency, insubordination, improper conduct or neglect of duty, provided that no one shall be dismissed without first having been given in writing, due notice of the charge or charges and an opportunity for defense.

(4) All actions of the superintendents or their designees shall be consistent with the existing board policies, rules, contracts and regulations.

AND FURTHER AMEND by deleting Section 15 in its entirety and substituting instead the following:

Section 15. Tennessee Code Annotated, Section 49-5-510, is amended by deleting the words, "with the approval of the board," and the last sentence.

AND FURTHER AMEND by deleting in Section 18 the words "final" and "and transfer".

AND FURTHER AMEND by deleting Section 20 in its entirety.

AND FURTHER AMEND by deleting Section 22 in its entirety.

AND FURTHER AMEND by adding the following as a new section after Section 48 and by redesignating subsequent sections accordingly.

Section \_\_\_\_\_. Tennessee Code Annotated, Section 49-2-301, subdivision (f)(10), is deleted in its entirety and the following is substituted instead:

(10) Recommended to the board of education teachers who are eligible for tenure.

AND FURTHER AMEND by adding the following new section to be appropriately numbered:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 49-2-203, is amended by deleting subsection (a)(3) in its entirety and redesignating all subsections accordingly.

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AND FURTHER AMEND by adding the following new section to be appropriately numbered:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 49-2-304, is amended by adding the words "or superintendent, as appropriate," immediately after the words "boards of education" or "board of education".

AND FURTHER AMEND by adding the following new section to be appropriately designated:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 49-6-2101, is amended by deleting the first line in subsection (e) and substituting instead the following:

"Superintendents, in employing school transportation personnel, and board of education, in contracting".

AND FURTHER AMEND by adding the following new section to be appropriately designated:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 49-6-3006, is amended by adding the words "or superintendent, where appropriate", immediately after the words "board of education" in the first line of subsection (b).

AND FURTHER AMEND by adding a new section, as follows, to be appropriately numbered:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 49-5-512, is amended in subdivision (a)(4) by deleting the semicolon at the end of subdivision (a)(4), substituting a period, and adding the following:

The teacher shall be allowed a full, complete, and impartial hearing before the board, including the right to have evidence deemed relevant by the teacher included in the record of the hearing, even if objected to by the person conducting the hearing;

AND FURTHER AMEND by adding the following new subdivision (a)(7) and redesignating present subdivisions (a)(7) and (8) to be subdivisions (a)(8) and (9):

(a)(7) A record of the hearing, either by transcript, recording, or as is otherwise agreed by the parties, shall be prepared, if the action of the board is appealed, and all actions of the board shall be reduced to writing and included in the record, together with all evidence otherwise submitted;

Tennessee Code Annotated, Section 49-5-513(a), is amended by deleting the words "obtain a judicial review by filing a petition in the chancery court of the county where the teacher

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is employed" and substituting the words "petition for a writ of certiorari from the chancery court of the county where the teacher is employed".

Tennessee Code Annotated, Section 49-5-513(g), is amended by deleting the second sentence of subsection (g) and substituting the following:

The review of the court shall be limited to the written record of the hearing before the board and any evidence or exhibits submitted at such hearing. Additional evidence or testimony shall not be admitted except as to establish arbitrary or capricious action or violation of statutory or constitutional rights by the board.

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_.

(a) Local education agencies shall establish, pursuant to state board of education administrative regulations, a process by which to waive all school fees for students.

(b) "School fees" are defined as:

(1) Fees for activities that occur during regular school hours.

(2) Fees for activities and supplies required to participate in all courses offered for credit or grade.

AND FURTHER AMEND by inserting the following language as a new SECTION 18 of the bill and by renumbering the remaining sections accordingly:

SECTION 18. Tennessee Code Annotated, Section 49-1-302 is amended by adding a new subdivision (16) as follows:

(16) develop a professional credentialing program for school principals which shall include professional training and testing components. Local education agencies shall have the option of participating in the program; provided, however, that all school principals employed for the first time by local education agencies for the 1993-1994 school year shall have attended the program and shall have received the full credential offered through the program.

AND FURTHER AMEND by adding to the proposed new language

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for Section 49-3-301 in Section 3 a new and appropriately designated subsection to read as follows:

( ) All funds generated for the Basic Education Program shall be spent on Basic Education Program components; provided, however, that those funds that cannot be spent prior to the beginning of the 1994-95 school year shall be available for distribution to local school systems for the purpose of classroom construction to meet the maximum class size requirements of this title.

AND FURTHER AMEND by adding to the proposed new language for Section 49-3-302 in Section 3 a new subsection to be appropriately designated and to read as follows:

( ) When any LEA allowed any licensed employees at the beginning of or during the preceding school term, an amount in addition to the salary which was required for such employees under the state salary schedule in affect at the beginning of or during the preceding school term and which additional amount is paid entirely out of local funds, then the LEA shall continue to pay such additional amount out of local funds.

AND FURTHER AMEND by deleting from the proposed new language for Section 49-3-307 in Section 3 the words "two-thirds" and substituting instead the words and numbers "seventy (70) percent", and by deleting from the same proposed new language the words "one-third" and substituting instead the words and numbers "thirty (30) percent".

AND FURTHER AMEND by deleting from the proposed new language for Section 49-3-309(a) in Section 3 the words and numbers "through four (K-4)" and substituting instead the words and numbers "through twelve (K-12)".

AND FURTHER AMEND by deleting from the proposed new language for Section 49-3-309 in Section 3 the subsection designated "(b)" and substituting instead a new subsection to read as follows:

(b) Each local education agency shall be entitled to receive funding of no less than two dollars (\$2.00) per ADM in grades K-12 to be used for the purpose of providing a duty-free lunch period for each teacher.

AND FURTHER AMEND by adding to the amendatory language of Section 5 in new subsection (a)(3) the words and punctuation "local wealth factors related to tax paying ability," between the words and punctuation "to education," and the words "and attendance".

AND FURTHER AMEND by adding to the amendatory language in Section 5 a new subdivision (6) in subsection (a) to read as follows:



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(6) A comparison of the Basic Education Program's components with the program components existing in each local school system during the reporting year.

AND FURTHER AMEND by deleting from the first sentence of the amendatory language in Section 20 the word "supplemental" and substituting instead the word "additional", and by adding after the word "duties" in the first sentence the words "consistent with board policies".

AND FURTHER AMEND by adding the following:

SECTION 1. Amend Tennessee Code Annotated, Section 49-1-102(c) in the first sentence by deleting the period and adding the phrase "or combination of counties."

AND FURTHER AMEND Section 49-1-102 by adding the following as a new subsection:

( ) In the event the local public school system is a multi-county system, such system shall be administered by an elected nine (9) member board of education and a director appointed by the board.

SECTION 2. Tennessee Code Annotated Title 49, Chapter 2, is amended by adding the following as a new part to be appropriately designated:

County boards of education, whenever they deem it advisable for the purpose of a more economical administration and the improvement of the efficiency of the schools, may combine with another county or counties to operate the schools of such counties as a single multi-county consolidated school system.

SECTION 3.

(a)

(1) In all counties in this state there may be created a unification educational planning commission, herein sometimes called "the commission."

(2) It is the duty of the planning commission to study and consider the need for and problems in conjunction with the consolidation of all county schools within the subject counties into a unified school system, and to make and file a written report as hereafter provided. If the report shall recommend such consolidation, it shall be accompanied by a proposed plan of consolidation, as hereinafter provided.

(b)

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(1) The county executive, the chairman of the county commission and the chairman of the board of education of each county may each appoint three (3) competent citizens as members of the planning commission.

(2) The names of all appointees, other than those made by the county executive, shall be certified by the county executive by the appointing authority.

(3) The county executive of one of the counties, which one shall be determined by mutual agreement of the counties, shall furnish the commissioner of education with a certified list of all members of the planning commission promptly after all appointments have been made.

(4) The certified list, together with the appointing officials who shall be ex officio voting members, shall constitute the planning commission, subject to the right of the appointing authorities thereafter to fill any vacancies which may subsequently occur.

(c)

(1) Within thirty (30) days after the planning commission shall have been constituted, its members shall hold an organizational meeting at a time and place fixed by one of the county executives, which one to be determined by mutual agreement of the counties, with notice thereof to all members.

(2) The commission shall elect a chairman, a secretary and other officers as it deems necessary.

(3) Future meetings of the commission shall be held at such times and places as may be determined.

(d)

(1) Members of the commission shall not receive per diem or other compensation for their services but shall be reimbursed for necessary expenses incurred by them.

(2) Such expenses and other necessary expenses of the commission shall be paid from funds appropriated therefore by the participating counties.

(e)

(1) The commission shall make a comprehensive study of the need for, issues in, and problems of consolidation of the various county school systems.

(2) Such study shall be completed and a written report made and filed with the commissioner of education within one (1) year after the first meeting of the commission.

(f)

(1) The commission shall be authorized to prepare a plan for the consolidation of such county school systems.

(2) Such plan as agreed upon by a majority of the commission shall be submitted to the department of education for appraisal.

(3) Such recommendations as that the department shall see fit to make shall be considered by the commission and the plan of consolidation may be revised in the light of such recommendations.

(g)

(1) Before presentation of any proposed plan of consolidation to the department, the commission shall hold at least one (1) public hearing duly advertised at least one (1) week prior to such hearing in a newspaper or newspapers of general circulation in each of the counties involved.

(2) A record shall be kept of the public hearing in each county and a copy filed with the department of education.

(h) In developing any consolidation plan, the commission shall consider and provide for the following:

(1) Administrative organization of the proposed consolidated system;

(2) A method to ensure no diminution in the level of the educational service in the schools in any of the county systems involved;

(3) Appropriate means for the transfer of all assets and liabilities, including title to

all school property real and personal, of the county systems to the consolidated system;

(4) Plan for disposition of existing bonded indebtedness which shall not impair the rights of any of the bond holders;

(5) Plans for the preservation of the existing pension rights of all teachers and nonteaching personnel in the respective systems;

(6) Plans for preserving the existing tenure rights, sick leave rights and salary schedule rights, of all teachers and nonteaching personnel in the respective systems;

(7) Appropriate plans for contributions by counties to the consolidated system for the operation of a unified system of schools during the period of transition following consolidation, which period shall not exceed three (3) years;

(8) Appropriate plans for reapportionment after each federal decennial census of districts for election of members of the consolidated school board; and

(9) Any other matter deemed by the commission to be pertinent.

#### SECTION 4.

(a) Any plan of consolidation shall provide for a consolidated board of education, hereafter sometimes referred to as "the board" to be composed of nine (9) members whose terms of office shall be four (4) years.

(b)

(1) The plan shall provide for the election of nine (9) board members by popular vote at the August general election, with the requirement that all of the board members be bona fide residents of particular districts and elected from such districts.

(2) Members elected at the regular August election shall take office on September 1, following their elections.

(3) The nine (9) districts shall be described by the plan, shall cover all of the counties, may cross county lines and shall be of substantially equal population.

(4) The districts shall be apportioned after every federal decennial census, so that members of the board may continue to be elected from districts of substantially equal population.

(5) The terms of the board members shall be so staggered as the plan may determine.

(c) Every consolidated board of education shall have all powers and duties conferred by general law upon county boards of education. The board is authorized to do all things necessary or proper for the establishment, operation and maintenance of an efficient and accredited consolidated school system.

SECTION 5.

(a)

(1) Any plan of consolidation shall provide that the consolidated board of education is authorized to designate a person experienced in public school management and supervision and possessing a license of qualification issued by the state board of education pursuant to 49-2-301 as the chief administrative employee of the board and enter into an employment contract with such person for a period not to exceed five (5) years and for compensation to be determined therein.

(2) The person so employed shall be designated "director of consolidated schools."

(3) The consolidated board of education is authorized to assign to the director such duties and responsibilities as are necessarily, usually or properly assigned to a county superintendent of schools.

SECTION 6.

(a)

(1) Where the planning commission has submitted a plan of consolidation to the department of education and has thereafter approved the plan, the proposed plan of consolidation shall be submitted to the governing bodies of the counties involved.

(2) Before taking action upon the proposed plan, each of the governing bodies shall hold at least one (1) public hearing duly advertised one (1) week or more prior to such hearing, in a newspaper or newspapers of general circulation

throughout the county.

(3) Subsequent to such public hearing each governing body shall consider and act upon the proposed plan of consolidation at its next regular meeting.

(4) The governing body is authorized to:

(A) Approve the proposed plan of consolidation, or

(B) Disapprove the same.

(5) Where the governing bodies of all the counties have disapproved the proposed plan of consolidation, the same shall be deemed rejected and finally disposed of.

(6) Whenever a plan of consolidation has been approved by all counties involved a copy of the plan of consolidation shall be delivered to the consolidated school board.

SECTION 7. Any consolidated board of education created under the provisions of this part shall have the authority to issue bonds as a separate and independent local government under the provisions of the "Local Government Public Obligations Act of 1986", 9-21-101 et. seq.

SECTION 8. Consolidated boards of education shall be subject to the audit provisions of Section 49-2-112.

SECTION 9. Consolidated boards of education shall have the authority to:

(1) Levy such taxes on all property in the consolidated district as may be necessary to meet the budget prepared by the consolidated board of education. Such property taxes shall be equalized throughout the consolidated school district in accordance with procedures provided by the state board of equalization.

(2) Levy such taxes as may be necessary to pay interest on bonds and provide a sinking fund to retire the same at maturity;

(3) Levy sufficient taxes or provide funds by bond issue for the purchase of school grounds, the erection and repair of school buildings and for equipping the same.

SECTION 10. Counties that adopt a multi-county school

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system shall adopt the same local option sales tax rate and distribute according to law.

SECTION 11. A multi-county school system created pursuant to the provisions of this act shall budget according to the provisions of the County Budgeting Law of 1957, Section 5-12-101 et. seq. Such school system shall follow the fiscal procedures of the County Fiscal Procedure Law of 1957, Section 5-13-101 et. seq.. Such school system shall follow the purchasing process of the County Purchasing Law of 1957, Section 5-14-101 et. seq.

SECTION 12. To aid in the offset of the expenses incurred in the consolidation process the state shall supplement combining systems with a five percent (5%) funding bonus for the first five (5) years of the existence of the combined system. This five percent (5%) bonus shall be over and above the funds received from the state under title 49. Funds distributed under title 49 for administrative purposes shall continue to be distributed as if each school system were still separate entities.

SECTION 13. The department of education and the commissioner thereof is hereby vested with the following powers and duties respecting the consolidation of school systems as herein provided to:

(1) Formulate recommended policies and practices for conducting the consolidation programs;

(2) Develop suggested methods of procedure and a manual as guides for use by such planning commissions;

(3) Provide professional assistance in consolidation studies and development of consolidation proposals;

(4) Appraise reports of studies made by such planning commissions and to examine plans for consolidation, recommending changes or modifications where deemed desirable; and

(5) Afford financial assistance which may be required by counties in effecting consolidation, within limits of funds available for such purposes.

SECTION 14.

(a) Any municipal or special school district within a county contemplating consolidation may participate in the consolidation process. Such municipal or special school district shall notify the county commission of their respective county of their wish to consolidate with the county systems.

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(b) The chairman of the board of education of each municipal or special school district may appoint three (3) competent citizens as members of the consolidation planning commission. The chairmen of the respective boards of education shall be ex officio voting members of the commission.

(c) If the municipal or special school district wishes to withdraw from the consolidation process, it may do so at anytime prior to submittal of the plan to the local governing bodies.

**SECTION 15.**

(a) This part is hereby declared to be remedial legislation to be liberally interpreted for the purpose of increased economy and efficiency in the operation of public schools and after any plan of consolidation herein provided for shall become effective, no officer or agency of any constituent school system shall retain any power or duty where such retention would be inconsistent with this part or with the plan of consolidation.

(b) Nothing in this part shall be construed to alter or repeal any other law prescribing methods and procedures, contractual, cooperative, unilateral or otherwise by which schools or school systems may be operated.

AND FURTHER AMEND by deleting in the second line of amendatory subsection (a)(1) of Section 17 of the printed bill the words "multi-year".

AND FURTHER AMEND by adding a new subsection as follows, at the end of the amendatory Section 49-3-303 of Section 3 of the printed bill:

(c) No local education agency may reduce its amount of local funding after the effective date of this act below the amount appropriated for 1990-91 school year unless the amount of the local funding was in excess of ninety percent (90%) of the fiscal capacity for education of the local education agency, as estimated by the Tennessee Advisory Commission on Intergovernmental Relations (TACIR).

Such a reduction shall be only the amount necessary to reach the ninety percent (90%) level. Local education agencies appropriating funds below the ninety percent (90%) level of capacity for education shall appropriate at least ninety percent (90%) of the fiscal capacity of the local education agency for the 1990-91 school year as estimated by the Tennessee Advisory Commission on Intergovernmental Relations (TACIR).



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The amount appropriated for the 1990-92 school year may be reduced by capital outlay expenditures, debt service expenditures or a decline in enrollment.

AND FURTHER AMEND by adding at the end of amendatory Section 49-1-104 in Section 39, a new paragraph as follows:

No local school system shall establish split-grade classes for the purpose of complying with the provisions of this section.

AND FURTHER AMEND by deleting the figure "21" and substituting the figure "25" instead in the language of § 49-1-104 set forth in Section 39.  
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AND FURTHER AMEND by inserting the words and punctuation "special education," in the amendatory language of Section 2 designated as subsection (4) between the words and punctuation "vocational and technical education," and the words "number and programs".

AND FURTHER AMEND by adding the following sentence to Section 34 immediately preceding the final sentence of the amendatory language of subsection (d):

Special education students, in lieu of completing such twenty (20) units of credit, shall satisfactorily complete their individualized education program.

AND FURTHER AMEND by adding the following new language immediately preceding the last sentence in the amendatory language designated as 49-6-6001(d) of Section 34:

Provided, however, one (1) of the two (2) units of social studies may be replaced by one (1) unit of a vocational education subject which has an academic base and which has been approved by the state board of education for such substitution. Such substitution may be made only by students enrolled in a non-college bound curriculum.

AND FURTHER AMEND by adding the following new section, to be appropriately designated:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 49-2-201(c), is amended by adding the following new subdivision, to be appropriately designated:

( ) To develop a system to monitor compliance with Tennessee Code Annotated, Section 49-6-1006, and to ensure that this legislative mandate is being followed.

AND FURTHER AMEND in subsection (b)(9) of the amendatory language of Section 5 by deleting the word "student" and by

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substituting instead the word teacher.

AND FURTHER AMEND in the amendatory language of Section 3 in Section 49-3-302(c) by adding the following new language at the end of the subsection:

A local board of education may not increase salaries of existing personnel by using state funds appropriated for public education that have been allocated for new or additional positions.

AND FURTHER AMEND in the amendatory language of Section 3 in Section 49-3-304(b)(1) by deleting the language "and for the location and construction of schools".

AND FURTHER AMEND by deleting subsection (b) of the amendatory section added by Section 4 of the printed bill and substituting instead the following:

(b)

(1) The commissioner of education shall recommend standards of fiscal accountability and soundness for local school systems to the state board of education and the state board shall promulgate rules based on these standards to be used in evaluating the fiscal operations of local school systems.

(2)

(A) There shall also be performance goals for each school district which shall be determined based on the current status of each local school system as determined through the value added assessment provided for in subsection (g) of this section.

(B) The goal is for all school districts to have mean gain for each measurable academic subject within each grade greater than or equal to the gain of the national norms.

(C) If school districts do not have mean rates of gain equal to or greater than the national norms based upon the TCAP tests (or other tests which measure academic performance which are deemed appropriate), each school district is expected to make statistically significant progress toward that goal. The rate of progress within each grade and academic course, necessary to maintain compliance with this section will be established after two (2) years of consecutive testing with tests adopted for each grade and subject, as provided in

subsection (g) of this section. Schools or school districts which do not achieve the required rate of progress may be placed on probation, as provided in subsection (c) of this section. If national norms are not available then the levels of expected gain will be set upon the recommendation of the commissioner of education with the approval of the state board of education.

(D) All schools within all school districts are expected to maintain appropriate levels of school attendance and drop-out rates. The 1990-1991 school year is the base year for measuring levels of attendance and drop-out rates. Schools which do not maintain appropriate levels, as set by the state board of education on the recommendation of the commissioner of education, may be placed on probation, as provided in subsection (g) of this section.

(E) There is a rebuttable presumption that if a school or school district has not achieved the goals pursuant to subdivisions (b)(2)(C) or maintained attendance and drop-out rates pursuant to subdivision (b)(2)(D), it is out of compliance with the requirements of this section and subject to probation as provided for in subsection (c).

AND FURTHER AMEND by adding an additional subsection, as follows, to the amendatory language in Section 4 of the printed bill:

(g)

(1) Value added assessment implies:

(A) A statistical system for educational outcome assessment which uses measures of student learning to enable the estimation of teacher, school, and school district statistical distributions.

(B) The statistical system will use available and appropriate data as input to account for differences in prior student attainment, such that the impact which teacher, school and school district have on the educational progress of students may be estimated on a student attainment constant basis. The impact which a teacher, school, or school district has on the progress, or lack of progress, in educational advancement or learning of a student is referred to hereafter as the "effect" of the teacher, school, or school

district on the educational progress of students.

(2) The statistical system shall have the capability of providing mixed model methodologies which provide for best linear unbiased prediction for the teacher, school and school district effects on the educational progress of students. It must have the capability of adequately providing these estimates for the traditional classroom (one teacher teaching multiple subjects to the same group of students) as well as team taught groups of students or other teaching situations, as appropriate.

(3) The metrics chosen to measure student learning must be linear scales covering the total range of topics covered in the approved curriculum to minimize ceiling and floor effects. These metrics should have strong relationship to the core curriculum for the applicable grade level and subject.

(4)

(A) Beginning on April 1, 1992, or on the effective date of this act, and annually thereafter, data from the TCAP tests, or their future replacements, will be used to provide an estimate of the statistical distribution of school district effects on the educational progress of students for grades three (3) through eight (8).

(B) Beginning on July 1, 1993, and annually thereafter, data from the TCAP tests, or their future replacements, will be used to provide an estimate of the statistical distribution of school effects on the educational progress of students for grades three (3) through eight (8).

(C) Beginning on July 1, 1994, and annually thereafter, data from the TCAP tests, or their future replacements, will be used to provide an estimate of the statistical distribution of teacher effects on the educational progress of students within school districts for grades three (3) through eight (8). A specific teacher's effect on the educational progress of students not be used as a part of formal personnel evaluation until data from three (3) complete academic years are obtained. Teacher effect data shall not be retained for use in evaluations for more than the most recent five (5) years. A student must have been present for one hundred fifty (150) days of classroom instruction per year or seventy-five (75) days of classroom instruction per semester before that student's

record is attributable to a specific teacher. Records from any student who is eligible for special education services under federal law will not be used as part of the value added assessment.

(5) The estimates of specific teacher effects on the educational progress of students will not be a public record, and will be made available only to the specific teacher and the teacher's appropriate administrators, as designated by the local board of education.

(6) Beginning in 1992, the development of subject matter tests will be initiated to measure performance of high school students in all academic subjects for which appropriate metrics can be obtained from group administered tests. These tests must reflect the complete range of topics covered within the list of state-approved textbooks for that subject. As soon as valid tests have been developed, the testing of students will be initiated to provide for value added assessment. Value added assessment shall be initiated in all academic subjects within secondary schools by 1998-1999 school year, and continued annually thereafter. Value added assessment may be initiated in non-academic subjects at such times as valid tests can be developed which effectively measure performance in such subjects.

(7) All tests used shall be fresh, non-redundant equivalent tests, replaced each year.

(8) As used in this act, "mixed model methodologies which provided for best linear unbiased prediction" or similar language setting forth the methodology used for evaluating measured progress of students, teachers, schools, or school districts, shall have the meaning and be interpreted as set forth in the following references:

1) "A Unified Approach to Mixed Linear Models", McLean, Sanders, and Stroup; The American Statistician, February 1991; Vol. 45, No. 1.

2) "Extension of the Gauss-Markov Theorem to Include the Estimation of Random Effects", Harville; The Annals of Statistics, 1976; Vol. 4, No. 2, 384-395.

3) "Analysis of Variance in the Mixed Model: Higher Level, Nonhomogeneous, and Random Regressions", Henderson; Biometrics, September 1982; No. 38, 623-640.

4) "Maximum Likelihood Approaches to Variance Component Estimation and to Related Problems", Harville; Journal of the American Statistical Association, July 1977; Vol. 72, No. 358.

5) "Approximations for Standard Errors of Estimators of Fixed and Random Effects in Mixed Linear Models", Kackar and Harville; Journal of the American Statistical Association, December 1984; Vol. 79, No. 388.

6) "The Analysis of Unbalanced Linear Models with Variance Components", Engel; Statistica Neerlandica, 1990; Vol. 44, No. 4.

(9) Any person found to have not followed security guidelines for administration of the TCAP test, or a successor test, including making or distributing unauthorized copies of the test, altering a grade or answer sheet, providing copies of answers or test questions, or otherwise compromising the integrity of the testing process shall be placed on immediate suspension and such actions will be grounds for dismissal, including dismissal of tenured employees. Such actions shall be grounds for revocation of state license.

AND FURTHER AMEND by deleting from the proposed new language for Section 49-1-302(a) in Section 2 the word "grades" in the first sentence and substituting instead the words "pre-kindergarten and grades".

AND FURTHER AMEND by deleting the amendatory language in Section 13 and substituting instead the following:

(b)

(3) Submit recommendations to the local superintendent regarding the appointment and dismissal of all personnel assigned to the school or schools under the principal's care, and make final decisions regarding the specific duties and assignments of all personnel appointed to the school or schools under the principal's care; provided, however, that duties, assignments and reassignments shall be made within a current endorsement on the teacher's license, that any reassignment of personnel shall not be made for arbitrary purposes, and that all assignments and reassignments are consistent with the policies, rules or contracts of the board of education.

AND FURTHER AMEND by adding to the amendatory language of Section 39 a new sentence immediately prior to the last sentence beginning with the words "Class size limits may" to read as follows:

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The average pupil teacher ratios in this section shall establish the minimum number of regular classroom teaching positions in a school exclusive of principal, assistant principal, counselor, elementary art, elementary music, elementary physical education, librarian, special education, or other specialized positions.

AND FURTHER AMEND by deleting in Section 2 the following language at the end of the amendatory section designated 49-1-302(a)(4):

Any changes in the Basic Education Program funding formula shall be confirmed in the budget authorization process.

AND FURTHER AMEND by adding in Section 3 the following language at the end of the amendatory section designated 49-3-305(a):

Basic Education Program funds that are generated for pupil contact programs in guidance, art, music, and physical education and for librarians and classroom instruction are designated for use for licensed personnel in any of these areas. Funds for textbooks, materials and supplies, and equipment generated for the classroom, must be spent in classroom operation.

AND FURTHER AMEND by deleting the word "Elect" in the first line of the amendatory language of Section 7 of the printed bill and substituting instead the following:

Elect, upon the recommendation of the superintendent,

AND FURTHER AMEND by deleting the words "Any future changes" in subsection (d) of amendatory Section 49-6-6001 in Section 34 of the printed bill and substituting the following:

These requirements shall be in effect until the 1999-2000 school year, before which time the state board of education shall review these requirements and recommend their retention or revision to the joint oversight committee on education, and these recommendations and any future changes

AND FURTHER AMEND by adding a new section, as follows, to be appropriately numbered:

Section \_\_\_\_.

(a) There is hereby established within the office of the comptroller an office of education accountability which shall monitor the performance of school boards, superintendents, school districts, schools, and school personnel in accordance with the performance standards set out in this act or by regulations of the state board of education.

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(b) The office of education accountability shall be provided with information generated through the management information system provided for in Section 4 of this act, information gathered for the annual report provided for in Section 5 of this act, or any other information which it may require.

(c) The office of education accountability shall conduct such studies, analyses, or audits as it may determine to be necessary to evaluate education performance and progress, or as may be assigned to it by the governor or general assembly.

(d) The office of education accountability shall report its findings annually to the governor and the general assembly.

AND FURTHER AMEND Tennessee Code Annotated, Section 49-6-1006 is amended by adding the following language at the end of the existing sentence of subdivision (a):

The general assembly finds that the goal of curriculum shall include the history, the heritage, the culture, the experience and ultimate destiny of all social, ethnic, gender and national groups and individuals and that such are represented as interdependent, interactive and complimentary. The State Board of Education shall include multi-cultural diversity when developing frameworks and curriculum to be taught at appropriate grade levels kindergarten (K) through twelve (12).

AND FURTHER AMEND by adding the following provision to Section 41, as amended:

In elections for school board members, only persons who are residents of the area served by that local education agency are eligible to vote in the election, and any candidate for the school board must likewise be a resident of and elected from the district of the area served by the local education agency

**Senate Amendment No. 25**

Amend House Bill No. 752 by adding to Section 3 the following new subsection:

\_\_\_\_\_. Notwithstanding any other section or law to the contrary, the Basic Education Program of every local education agency will be calculated on the basis of prior year average daily membership unless the LEA's current year ADM changes from the prior year by more than two percent (2%), in which case, the current year ADM will be used.



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Senate Amendment No. 26

Amend House Bill No. 752 by deleting Subsection (d) of the amendatory language in Section 34 of the original bill in its entirety.

Senate Amendment No. 27

Amend House Bill No. 752 by inserting the word "public" in the amendatory language of Section 39 of the printed bill between the word "every" and the words "local school system".

Senate Amendment No. 28

Amend House Bill No. 752 by adding the following section to be appropriately designated:

Section \_\_\_\_\_. Tennessee Code Annotated, Title 49, Chapter 7, is amended by adding a new part thereto, as follows:

Section 49-7-2301. As used in this act, unless the context requires otherwise:

1) "Administering agency" means the Tennessee student assistance corporation.

2) "College or university" means a public college, university or technical institute operated under the authority of the University of Tennessee board of trustees or the state board of regents.

3) "Tuition" means any required registration, maintenance, course, credit, or other fees or charges the payment of which is required for admission to, attendance at, or graduation from a college or university.

Section 49-7-2302.

a) The administering agency shall make awards of non-repayable financial assistance, from funds appropriated for that purpose, on behalf of any student who enrolls in such a school to pursue an academic undergraduate degree, who applies therefor, and who meets all of the following qualifications:

1) Is a resident of Tennessee as defined by the Tennessee higher education commission;

2) Has graduated within the two (2) years preceding the application from a high

school with a minimum cumulative grade point average of three (3.0) calculated on a four (4.0) scale and is enrolling as a first-time freshmen;

3) Has successfully completed a core curriculum of high school coursework as defined by the Tennessee board of regents and the University of Tennessee and has met published admission standards of the admitting institution.

4) Has a composite score of at least twenty (20) on the enhanced version of the American College Test.

5) Has no criminal record, except for misdemeanor traffic violations; and

6) Is found to be in financial need as defined in Section 49-7-2304.

(b) To maintain eligibility once enrolled in college a student shall meet all of the following:

1) Make steady academic progress toward a degree, earning not less than the minimum number of hours of credit required for full-time standing in each academic period requiring such enrollment;

2) Maintain continuous enrollment for not less than two (2) semesters in each successive academic year, unless granted an exception for cause by the administering agency;

3) Have a cumulative grade point average of at least two and one-half (2.5) calculated on a four (4.0) scale at the end of the first term and thereafter maintain such a cumulative grade point average as evaluated at the end of each academic year;

4) Have no criminal record, except for misdemeanor traffic violations; and

5) Be found to be in financial need as defined in Section 49-7-2304.

Section 49-7-2303.

a) The provisions of this act shall be administered by the Tennessee student assistance corporation. The Tennessee higher education

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commission is directed to adopt such rules and regulations as are necessary to implement the provisions of this act.

b) The Tennessee student assistance corporation shall provide for a mechanism for informing all students of the availability of the assistance provided pursuant to this act early enough in their schooling so that a salutary motivational effect is possible.

It is the legislative intent that this promise be conveyed in as clear as possible a manner to each child. The promise should be explicit that if a child meets the grade and ACT standard and stays out of trouble, his or her college tuition will be paid. It is also the legislative intent that the income levels that will qualify children for the benefits of this bill should be communicated annually in whole dollar amounts as they relate to the more common circumstances the majority of children face.

Section 49-7-2304. All awards under this act shall be based on the financial need of the student as measured by the parents' ability [or the student's ability if the student is emancipated and not receiving any financial assistance from parent(s) or guardian(s)] to contribute to the student's educational expenses, as determined by guidelines established by the administering agency. At the time of application, the student shall also apply for all other financial aid programs for which the student may be eligible. All other financial awards that the student is to receive shall be considered by the Tennessee student assistance corporation in measuring financial need. However, monies received by the student through federal, state, or private loan programs shall not be included in measuring financial need. All other sources of financial assistance available to the student excluding federal, state or private loan monies, shall first be applied toward meeting the student's financial need as determined by the administering agency. The maximum award shall not be greater than the total amount of tuition and mandatory fees charged by the institution attended. Financial need of less than one hundred dollars (\$100) shall render an applicant ineligible for an award.

b) Students shall have payments of their awards made directly to the institution.

c) Awards of student assistance shall be available for residents of the state generally,

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without regard to county or other area of residence, race, color, creed, sex or national origin or ancestry.

Section 49-7-2305. If the recipient of an award fails to comply with the rules of the Tennessee higher education commission with respect to the use of such assistance, or fails to attain the minimum level of achievement prescribed for the retention of the assistance, or fails to observe the rules, regulations or conditions prescribed or imposed by the institution, or for any reason is expelled or suspended from the institution attended or is absent without leave, the Tennessee student assistance corporation may, upon evidence, revoke the award, and the person holding the award shall not thereafter be entitled to further payment or benefits.

Section 49-7-2306. Applicants who are so eligible are encouraged to apply and participate in programs under the federal Job Training Partnership Act.

Section 49-7-2307. The administering agency may seek, accept, and expend funds from any source, including private business, industry, foundations, and other groups as well as any federal or other governmental funding available for this purpose.

Section 49-7-2308. Implementation of the tuition payment program provided by this act shall be subject to the appropriation of funds for this purpose.

**Senate Amendment No. 30**

Amend House Bill No. 752 by adding a new sentence after the sixth sentence of amendatory Section 49-2-201 contained in Section 56 of the bill as proposed to be amended by the Senate Education Committee, as follows:

In special school districts, vacancies on the board arising from death or resignation shall be filled by the special school district school board.

**Senate Amendment No. 31**

Amend House Bill No. 752 by adding at the end of Section 56 (Section 41 in introduced bill) a new paragraph, as follows:

Notwithstanding the four-year term set out in this section for school boards, any special school district with a different term established by private act shall retain the existing board term.

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**Senate Amendment No. 32**

Amend House Bill No. 752 by deleting Section 53 of the bill, as proposed to be amended by the Senate Education Committee, dealing with local participation in the state school bond authority.

**Senate Amendment No. 33**

Amend House Bill No. 752 by adding a new section to be appropriately designated:

SECTION \_\_\_\_\_. The state board of education is directed to establish a limit on local costs on special education and provide for state assumption of costs in excess of this limit.

**Senate Amendment No. 34**

Amend House Bill No. 752 by adding the following new section before the effective date section:

This act shall not be applied so as to penalize any school system on the grounds that it is performing above the base requirements established by the State Board of Education for the approval of schools.

**Senate Amendment No. 35**

Amend House Bill No. 752 by adding the following to the end of subsection 49-3-305(b) of Section 3:

If such action is necessary, the commissioner of education, with the approval of the state board of education, may waive any requirements prescribed by law, rule, regulation or otherwise until the state provides the required funding.

**Senate Amendment No. 13**

Amend House Bill No. 752 by adding the following new section immediately preceding the severability clause section and by renumbering the subsequent sections accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 49-2-301, is amended by adding a new subsection thereto as follows:

( ) Any superintendent who continues to be popularly elected after the effective date of this act shall nevertheless be subject to all policy decisions made by the local board of education and shall implement such policy to the best of his ability. If a local board of education finds that a superintendent is not properly administering or implementing its policy, such board may suspend such superintendent

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from his duties and may suspend the compensation of such superintendent for a period not to exceed ninety (90) days for any one (1) incident of failure to implement or administer its policy. Such charges by the board shall be made in writing and the board shall conduct a hearing on such charges in the same manner as hearings pursuant to Section 49-5-512. An appeal of the decision of a local board of education shall be de novo to the state board of education. If a superintendent is vindicated or reinstated, he shall be paid the full compensation for the period during which he was suspended. If the state board of education finds that the action of the local board of education was vindictive or arbitrary, the state board of education may call for the resignation of any or all of the members of such local board and the legislative body for the jurisdiction of such local board shall appoint persons to serve on such board until the next general election or until their successors are elected and qualified. During the period of suspension of any superintendent pursuant to this subsection, the local board of education shall appoint a qualified person to serve as a temporary superintendent.

Rep. Purcell moved that the House nonconcur in Senate Amendment(s) No(s). 1, 2, 25, 26, 27, 28, 35, 30, 31, 32, 33, 34 and 13 to House Bill No. 752, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	1
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Stamps, Tindell, Tullios, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Shirley -- 1.

Representatives present and not voting were: Bragg -- 1.

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HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 0062 -- Veterans --** Authorizes issuance of special plates for military personnel evading capture. Amends TCA, Title 55, Ch. 4, Pt. 2.

**Senate Amendment No. 2**

Amend House Bill No. 62 by adding the following language as a new, appropriately numbered section immediately preceding the effective date section:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 55-4-201(b), is amended by adding the following language as a new subdivision (3):

(3) The provisions of this subsection shall not apply to plates issued for "evadees" as provided in §55-4-242.

**Senate Amendment No. 8**

AMEND House Bill No. 62 by deleting Section 4 of the printed bill in its entirety and by substituting instead the following:

SECTION 4. Tennessee Code Annotated, Section 55-4-202(a), is amended by adding a new subdivision, as follows:

( ) United States military;

SECTION 5. Tennessee Code Annotated, Section 55-4-202(c), is amended by adding a new subdivision, as follows:

(11) United States Military:

(A) United States reserve forces;

(B) United States active forces;

(C) United States military, retired;

(D) Marine Corps League; and

(E) Combat veterans.

SECTION 6. Tennessee Code Annotated, Section 55-4-203, is amended by adding a new subdivision, as follows:

(18) United States military - as provided in Section 7 of this amendment;

SECTION 7. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding a new section thereto, as follows:

Section \_\_\_\_\_. (a) Special and distinctive license plates are authorized for active and retired members of the United States military and the United States military reserves in good standing. The plates are approved for display on private passenger cars, one-half (1/2) ton and three-quarter (3/4) ton pick-up trucks and panel vans that are owned and operated or leased by a member or member's spouse.

(b)(1) The registration plates shall be of such distinctive design as approved by the commissioner of safety and shall include the appropriate emblem of the branch of service of the recipient of the plate. The registration plates shall also contain the words "Volunteer State" at the bottom of the plates.

(2) This special plate shall be issued for the applicant's use only for such automobile, truck or van, and in the event of a transfer of title, the transferor shall surrender the special plate to the department through the county clerk.

(c) The initial issuance of a special plate pursuant to this section and renewals thereof shall be made upon payment of the regular registration fee applicable to the vehicle and the cost of producing the special plate; provided, that the fee results in a revenue neutral fee for such plates, and as provided in Section 55-4-203.

(d) All applications pursuant to this section shall contain such information as the commissioner of safety shall require to prove eligibility for issuance of a license plate pursuant to this section. Provided, that eligibility for such special registration plate for United States Reserve Forces shall be determined by the department of safety in consultation with the appropriate information on current and valid DD Form 2A (Res), DD Form 2N (Res), DD Form 2MC (Res), DD Form 2AF (Res) or DD Form 2CG (Res) (Armed Forces of the United States Identification Card) citing that the request is submitted by a member of the United States Reserve Forces.

(e) The provisions of this act shall not be construed to mean that any member of the active and retired members of the United States military and the United States military reserves shall be prevented from exchanging a regular type plate for one of



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special design, provided the appropriate fees are paid. The whole or parts of the fee for a special registration plate shall not be refunded for the exchange of a regular plate.

(f) Each recipient of a special military plate may apply an appropriate decal to the plate which designates the military unit in which he or she served. The decal, and the placement of the decal, shall be subject to the approval of the commissioner of safety and the commissioner of veterans' affairs. The cost of such decal shall be borne by the recipient of the plate wishing to apply such decal.

SECTION 8. This act shall take effect on July 1, 1991, the public welfare requiring it.

Rep. Hillis moved that the House concur in Senate Amendment(s) No(s). 2 and 8 to House Bill No. 62, which motion prevailed by the following vote:

Ayes. . . . .	91
Noes. . . . .	0
Present and not voting. . . . .	2

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Niceley, Nuber, Odom, Peroulas, Draper, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Allen, Napier -- 2.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE MESSAGE**

\*Senate Bill No. 0085 -- Education -- Authorizes children to attend school in county of choice if city or town located in two or more counties. Amends TCA 49-6-3112.

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CONFERENCE COMMITTEE REPORT  
ON SENATE BILL NO. 85

The House and Senate Conference Committees appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 85 (House Bill No. 57) have met and recommended that Senate Amendment No. 1 and House Amendment No. 1 and No. 5 be adopted; that House Amendment No. 3 be deleted; and recommend that the bill be further amended by adding the following:

(1) The following county populations be added at the end of the amendatory language of Section 1 under the appropriate columns as amended by House Amendment No 1:

<u>not less than</u>	<u>nor more than</u>
32,760	32,800
49,400	49,500

(2) The following language be inserted as a new second sentence in Section 1 of the printed bill:

Eligibility to attend school shall be based on availability of space in the county school system as determined by the school superintendent of such system.

Senator Anna Belle O'Brien  
Senator Milton Hamilton  
Senator Randy McNally

Representative David Coffey  
Representative Ray Davis  
Representative Dennis Ferguson

Rep. Ferguson moved that the Report of the Conference Committee on **Senate Bill No. 85** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives voting no were: Windle -- 1.

A motion to reconsider was tabled.

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HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 0322** -- Health -- Extends from thirty to sixty days time period for notification of address change to health related boards. Amends TCA, Titles 56, 63, 68.

Further consideration of House Bill No. 322, previously considered on May 30, 1991, at which time the motion was made to concur in Senate Amendment No. 2, a substitute motion was made to nonconcur and the previous question motion prevailed.

Rep. Copeland renewed the motion to nonconcur in Senate Amendment(s) No(s). 2 to **House Bill No. 322**, previously filed, which motion failed by the following vote:

Ayes. . . . .	30
Noes. . . . .	63

Representatives voting aye were: Allen, Bittle, Bragg, Chiles, Coffey, Copeland, Davidson, Duer, Haley, Harrill, Haun, Head, Hillis, Joyce, Liles, McAfee, McDaniel, Meyer, Nuber, Rhinehart, Robinson (Hamilton), Severance, Shirley, Sipes, Stamps, Venable, West, Windle, Wix, Wood -- 30.

Representatives voting no were: Anderson, Armstrong, Arriola, Bell, Bivens, Buck, Byrd, Chumney, Clark, Cole, Collier, Crain, Curlee, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haltzman, Hassell, Herron, Hill, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Love, McKee, Moore, Napier, Niceley, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Tindell, Turner (Hamilton), Turner (Shelby), Walley, Whitson, Williams (Union), Winningham, Mr. Speaker Naifeh -- 63.

Thereupon, Rep. Davis (Gibson) renewed his motion that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 322**, which motion prevailed by the following vote:

Ayes. . . . .	66
Noes. . . . .	22
Present and not voting. . . . .	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Buck, Byrd, Chumney, Clark, Cole, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haltzman, Hassell, Herron, Hill, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Love, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Peroulas, Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Tindell, Turner (Hamilton), Turner (Shelby), Walley, Whitson, Winningham, Mr. Speaker Naifeh -- 66.

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Representatives voting no were: Bragg, Callicott, Chiles, Coffey, Copeland, Haley, Harrill, Haun, Head, Holcomb, Hubbard, Liles, Severance, Stamps, Tullos, Venable, West, Williams (Shelby), Williams (Union), Windle, Wix, Wood -- 22.

Representatives present and not voting were: Bivens, Sipes -- 2.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 0406 -- Highway Signs -- Senator Douglas Henry Parkway.**

**Senate Amendment No. 1**

Amend House Joint Resolution No. 406 by deleting all references to "Jr."

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 1 to **House Joint Resolution No. 406**, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**\*House Bill No. 0440 -- Administrative Procedure -- Clarifies certain accounting system and report requirements for states, counties and municipalities. Amends TCA, Title 5, Ch. 8, Pt. 5, 5-12-108, 5-15-405, 5-21-111, 6-2-101, 6-22-101, 6-35-301, 6-56-201, 7-82-401, 67-5-1902.**

**Senate Amendment No. 1**

AMEND House Bill No. 440 by deleting from the first

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sentence of Section 4 the phrase "proposed annual budget, at least ten (10) days before the budget is to be presented to the governing body," and substituting instead the following:

annual operating budget, within thirty (30) days of final passage of the budget by the governing body,

FURTHER AMEND by deleting from the first sentence of Section 8 the phrase "proposed annual operating budget, at least ten (10) days before the budget is to be presented to the governing body," and substituting instead the following:

annual operating budget, within thirty (30) days of final passage of the budget by the governing body,

FURTHER AMEND by deleting from the first sentence of Section 9 the phrase "proposed annual operating budget, at least ten (10) days before the budget is to be presented to the governing body," and substituting instead the following:

annual operating budget, within thirty (30) days of final passage of the budget by the governing body,

FURTHER AMEND by deleting from the first sentence of Section 10 the phrase "proposed annual operating budget, at least ten (10) days before the budget is to be presented to the governing body," and substituting instead the following:

annual operating budget, within thirty (30) days of final passage of the budget by the governing body.

Rep. Bragg moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 440, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

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Representatives voting no were: Sipes -- 1.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE MESSAGE**

**\*Senate Bill No. 0633** -- Garnishments and Executions -- Codifies form for garnishment calculation. Amends TCA, Title 26, Ch. 2.

**CONFERENCE COMMITTEE REPORT  
ON SENATE BILL NO. 633**

The House and Senate Conference Committees appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 633 (House Bill No. 1137) have met and recommended that House Amendment No. 2 be adopted; and further recommend that the following figures contained in the form included in the introduced bill be changed as follows:

(1) the figure "\$294.13" in item I (d) be changed to "\$276.25";

(2) the figure "\$588.25" in item I (d) be changed to "\$552.50";

(3) the figure "\$5.37" in item I (i) be changed to "\$5.42";

(4) the figure "\$10.75" in item I (i) be changed to "\$10.83";

Senator Ronnie Greer  
Senator Jimmy F. Kyle  
Senator Lynn Lawson

Representative Roy Herron  
Representative Randy Rinks  
Representative Karen Williams

Rep. Herron moved that the Report of the Conference Committee on **Senate Bill No. 633** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson),

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Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENT**

**House Bill No. 0867** -- Taxes, Sales -- Removes certain sales and use tax exemptions. Amends TCA, Title 67, Ch. 6.

**Senate Amendment No. 3**

Amend House Bill No. 867 by deleting the word "newsprint" in the new subdivision added to Section 67-6-329 in Section 1 of the bill, as amended, and by substituting the words "newsprint or bond paper".

Rep. Rhinehart moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 867**, which motion prevailed by the following vote:

Ayes. . . . .	70
Noes. . . . .	17
Present and not voting. . . . .	5

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Byrd, Chumney, Cole, Collier, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Hassell, Head, Herron, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Kisber, Knight, Love, McDaniel, Moore, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Whitson, Williams (Shelby), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 70.

Representatives voting no were: Callicott, Chiles, Clark, Coffey, Davis (Knox), Duer, Harrill, Haun, Hill, Joyce, McKee, Meyer, Niceley, Shirley, Tullos, West, Williams (Union) -- 17.

Representatives present and not voting were: Holcomb, Napier, Nuber, Severance, Windle -- 5.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

**MR. SPEAKER:** Pursuant to **Rule No. 31**, I wish to express a

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desire to change my original stand from not voting to no on the motion to concur in Amendment No. 3 to House Bill No. 867 and have this statement entered in the Journal.

Rep. Randy Stamps

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on the motion to concur in Amendment No. 3 to House Bill No. 867 and have this statement entered in the Journal.

Rep. Beth Halteman

**MESSAGE CALENDAR, CONTINUED**

**HOUSE ACTION ON SENATE MESSAGE**

**\*House Bill No. 1522 -- Appropriations --** Makes appropriations to defray expenses of state government for fiscal year beginning July 1, 1991.

**Senate Amendment No. 1**

Amend House Bill No. 1522 by deleting each and every section of House Bill No. 1522 and by substituting instead new Sections 1 through 52, namely:

Sections 1 through 52 of Senate Bill No. 1522 as filed for introduction on March 4, 1991; printed and distributed as House Bill No. 1552; and considered to be part of this amendment.

**Senate Amendment No. 2**

AMEND House Bill No. 1522 by adding the following new items at the end of Section 10:

Item \_\_\_\_\_. All expenditures by the Health Facilities Commission shall be exclusively from fees or revenue generated from the operations of the commission and to the extent that any appropriation under this act exceeds the amount of fees or revenue collected, the appropriation is reduced accordingly.

Item \_\_\_\_\_. After allocation of the first five hundred fourteen thousand dollars (\$514,000) as provided in Tennessee Code Annotated, Section 55-4-307(a), all revenues arising from the surcharge for cultural motor vehicle registration plates provided for in Tennessee Code Annotated, Title 55, Chapter 4, Part 3, shall be allocated to the Tennessee arts commission for use in its programs.



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AND FURTHER AMEND by adding the following new items at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred dollars (\$100,000) for a local enterprise zone in Memphis. No qualified business or other applicant shall be reimbursed more than one hundred thousand dollars (\$100,000) for state sales or use taxes, as provided by Tennessee Code Annotated, Section 13-28-106(c)(3), from the funds appropriated by this act.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient to the Department of Health for the sole purpose of extending Medicaid coverage to pregnant women who meet income standards based on one hundred eighty-five percent (185%) of the federal poverty guidelines for the family size.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is hereby appropriated \$325,000 to the Department of State for the purpose of producing the 1991-92 edition of the TENNESSEE BLUE BOOK. Such appropriation is to become available for expenditure and/or obligation upon passage.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of two hundred sixty-one thousand dollars (\$261,000) for the purpose of implementing Senate Bill 731 / House Bill 912, relative to extending 3.6% indexing to June 30, 1992. This item is subject to SB 731 / HB 912 becoming a law.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of three hundred thirty-six million five hundred ninety-four thousand six hundred dollars (\$336,594,600), for the purpose of implementing Senate Bill 1231 / House Bill 752, relative to the Education Improvement Act of 1991, if such bill becomes a law.

AND FURTHER AMEND by deleting from the second paragraph of Item 3 in Section 17 of the printed bill the following:

to continue its exploration of developing a state-organized and controlled preferred provider organization for state employees;

AND FURTHER AMEND by deleting Item 3 from Section 40 which reads as follows:

Item 3. Upon approval of the Commissioner of Finance and Administration, the general fund may advance cash to or

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receive cash from any fund to offset temporary cash shortages of said fund.

AND FURTHER AMEND by adding a new item to Section 41 of the bill as introduced to read:

Item \_\_\_\_\_. From the funds appropriated in Section 1, Title III-3 to the Department of Agriculture for Soil and Water Conservation, a sum sufficient is hereby appropriated to establish additional positions in the program. This appropriation is subject to approval by the Commissioner of Finance and Administration.

AND FURTHER AMEND by adding the following new section before the effective date section, to be appropriately designated:

SECTION \_\_\_\_\_. The Tennessee Code Commission is requested to not codify any public act passed by the General Assembly during the 1991 regular session which does not receive first year's funding through the provisions of this act.

AMEND House Bill No. 1522 by deleting from Section 2, Item 8 of the bill, as introduced, the citation "Senate Bill No. /House Bill No. \_\_\_\_\_," and by substituting instead the new citation "Senate Bill No. 1524/House Bill No. 1523,".

AND FURTHER AMEND by deleting from Section 2, Item 10 of the bill, as introduced, the reference to "Chapter 686, Public Acts of 1990." and by substituting instead the new reference "Tennessee Code Annotated, Section 11-14-308."

AND FURTHER AMEND by deleting from Section 7, Item 11 of the bill, as introduced, the reference to "Section 1, Title III-18, Item 3.3," and by substituting instead the new reference "Section 1, Title III-18, Item 3.1,".

AND FURTHER AMEND by deleting from Section 8, Item 12 of the bill, as introduced, the reference to "Section 4, Title III-2, Item 6" and by substituting a new reference "Section 4, Title III-2, Item 5".

AND FURTHER AMEND by deleting from Section 41, Item 18 of the bill, as introduced, the reference to "Section 1, Title III-13, Item 5," and by substituting the new reference "Section 1, Title III-13, Item 6,".

AND FURTHER AMEND by deleting from Section 44, Item 5 of the bill, as introduced, the word "listed in" and by substituting instead the words "listed in".

AND FURTHER AMEND by deleting from Section 7, Item 2 of the bill, as introduced, the word "Stieglity" and by substituting instead the word "Stieglitz".

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AND FURTHER AMEND by deleting from Section 34, Item 4 of the bill, as introduced, the word "Revolving" and by substituting instead the word "Revolving".

AND FURTHER AMEND by deleting from Section 8, Item 11 of the bill, as introduced, the words "To the State Planning Office and/or the Department of Safety" and by substituting instead the words "To the Department of Finance and Administration".

AND FURTHER AMEND by deleting in their entirety from Section 1, Title III-26, Department of Transportation, items 1.1, 1.2, 1.11, 2, 3.1 and 3.3 and substituting instead the following new items and by changing the sub-totals accordingly:

"1.1 Bureau of Operations	\$ 6,285,000.00
1.2 Field Engineering	17,417,000.00
1.11 State Highway Construction	350,815,000.00
2. Bureau of Planning and Development	\$12,938,000.00
3.1 Equipment Purchases and Operations	\$15,696,000.00
3.3 Headquarters	15,352,000.00"

AND FURTHER AMEND by adding a new sentence at the end of Section 2, Item 2 of the bill, as introduced, to read:

"The provisions of this item shall take effect upon becoming a law, the public welfare requiring it."

AND FURTHER AMEND by adding to Section 2 of the bill, as introduced, a new item to read:

"Item \_\_\_\_\_. From the capital outlay appropriation to the Department of Finance and Administration made in Section 1, Title III-25, of this act, the sum of \$500,000.00 intended for the Walters State Community College agricultural pavilion project shall be allocated to the East Tennessee Agribusiness Authority for site development at the East Tennessee Agricultural Resources Park."

AND FURTHER AMEND by adding to Section 3 of the bill, as introduced, a new item to read:

"Item \_\_\_\_\_. The appropriation to the Department of Financial Institutions in Section 1, Title III-12, shall be derived from banking fees assessed pursuant to Tennessee Code Annotated, Title 45, Chapter 1, Part 1. No part of the unexpended fees left at the end of the fiscal year shall be used for any other purpose but shall be carried over in a reserve and may be expended during the next year."

AND FURTHER AMEND by adding to Section 6 of the bill, as introduced, the following new items to read:

"Item \_\_\_\_\_. From the funds appropriated in Section 1, Title III-27, Item 4 for the amortization of authorized and unissued construction bonds, the sum of \$2,000,000.00 is

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appropriated in lieu of issuing bonds authorized for benefit of the Department of Agriculture under the provisions of Chapter 945, Public Acts of 1988. The State Funding Board shall take the necessary action to cancel the unissued bonds.

Item \_\_\_. To provide the debt service on ten million, six hundred thousand dollars (\$10,600,000.00) of the general obligation bond issue authorized under Senate Bill No. 563/House Bill No. 307, there is hereby appropriated a sum sufficient from funds available to the Department of Finance and Administration in the internal service fund for data processing services.

Item \_\_\_. To provide the debt service on six million, three hundred thousand dollars (\$6,300,000.00) of the general obligation bond issue authorized under Senate Bill No. 563/House Bill No. 307, there is hereby appropriated a sum sufficient from the wetlands acquisition funds available to the Tennessee Wildlife Resources Agency."

AND FURTHER AMEND by deleting from Section 7, Item 4 of the bill, as introduced, the words and figure "seventy-five thousand dollars (\$75,000.00)" and substituting instead the words and figure "sixty thousand dollars (\$60,000.00)".

AND FURTHER AMEND by adding to Section 7 of the bill, as introduced, the following new items to read:

"Item \_\_\_. From the appropriation made to the Tennessee Historical Commission in Section 1, Title III-5, the sum of \$100,000.00 is earmarked to fund the activities of the Tennessee Bi-Centennial Commission established by Executive Order and the funds shall be transferred accordingly by the Commissioner of Finance and Administration.

Item \_\_\_. From the appropriations made to the Department of Correction in this act, there is hereby appropriated a sum sufficient to implement the provisions of Senate Bill No. 1396/House Bill No. 1261.

Item \_\_\_. From the funds appropriated in Section 1, Title III-7 of this act to the Department of Correction for the County Correctional Incentive Program there is hereby appropriated an amount not to exceed \$150,000.00 to the Department of Audit, Division of County Audit to audit the program. This appropriation is subject to approval by the Commissioner of Finance and Administration.

Item \_\_\_. From the appropriations made in Section 1 and Section 4 of this act to the Department of Correction and the Department of Youth Development, a sum sufficient is hereby appropriated to authorize the continuation of an appropriate training program for the departments, including the continuing operation of the Correction Training Academy

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and its staffing of seventy-four (74) positions. This appropriation is made to prevent an interruption in training services to the departments pending the implementation of recommendations to be made by an interagency study committee review of the scope of training required by and delivered to Correction, Youth Development and other state agencies. This appropriation is subject to the approval of the Commissioner of Finance and Administration."

AND FURTHER AMEND by adding to Section 8, Item 8 of the bill, as introduced, a second sentence to read:

"In matters involving the Public Service Commission, Housing Development Authority, Wildlife Resources Agency, Financial Institutions, regulatory boards and other programs and agencies funded by earmarked or dedicated revenues, the sum sufficient appropriation shall be provided from said earmarked or dedicated revenues."

AND FURTHER AMEND by adding to Section 8 of the bill, as introduced, the following new items to read:

Item \_\_\_\_\_. To the Department of Health and Environment from the "Child Safety Fund" to administer and fund the provisions of Tennessee Code Annotated, Section 55-9-602(g)(7).

Item \_\_\_\_\_. To the Tennessee State Racing Commission to pay the costs associated with racing applications.

Item \_\_\_\_\_. Subject to the passage of Senate Bill No. 409/House Bill No. 1036, there is hereby appropriated a sum sufficient to the Department of Health and Environment, Division of Medicaid. This appropriation is subject to approval by the Commissioner of Finance and Administration who is further authorized to adjust departmental revenue allotments accordingly.

Item \_\_\_\_\_. Subject to the passage of Senate Bill No. 489/House Bill No. 1114, there is hereby appropriated a sum sufficient to the Department of Health and Environment, Division of Medicaid. This appropriation is subject to approval by the Commissioner of Finance and Administration who is further authorized to adjust departmental revenue allotments accordingly.

Item \_\_\_\_\_. Subject to the passage of Senate Bill No. 535/House Bill No. 537, there is appropriated to the Department of Safety a sum sufficient to cover the cost of adequate staffing and other operating costs of a program to enforce the motor vehicle title and salvage laws and inspection of rebuilt vehicles. This appropriation shall be funded by revenues collected under the provisions of Senate Bill No. 535/House Bill No. 537, and the

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appropriation is subject to approval by the Commissioner of Finance and Administration.

Item \_\_\_\_\_. Subject to the passage of Senate Bill No. 571/House Bill No. 774, there is appropriated to the Department of Conservation a sum sufficient from revenues available to the Local Park Land Acquisition Fund and to the State Lands Acquisition Fund, and there is further appropriated to the Department of Agriculture a sum sufficient from revenues available to the Agricultural Nonpoint Water Pollution Control Fund.

Item \_\_\_\_\_. Subject to the passage of Senate Bill No. 685/House Bill No. 50, there is appropriated to the Health Facilities Commission a sum sufficient from revenues collected by the Commission.

Item \_\_\_\_\_. Subject to the passage of Senate Bill No. 408/House Bill No. 815, there is appropriated to the Department of Safety a sum sufficient to cover the cost of adequate staffing and other operating costs of a program to enforce the suspending or denying the motor vehicle operator's license of persons found to have committed certain prohibited acts involving alcohol. This appropriation shall be funded by revenues collected under the provisions of Senate Bill No. 408/House Bill No. 815, and the appropriation is subject to approval by the Commissioner of Finance and Administration.

Item \_\_\_\_\_. In addition to the appropriations made in Sections 1 and 4 of this act, there is hereby appropriated a sum sufficient to the Department of Commerce and Insurance to implement the provisions of each bill listed below. The appropriations shall not exceed the amount indicated for each bill, and each appropriation is subject to passage of the bill. The appropriations shall be funded from revenues collected under the provisions of each bill enacted. The appropriations are:

<u>Bill Number</u>	<u>Appropriation</u>
SB 97/HB 28	\$ 7,500.00
SB 220/HB 398	\$ 5,000.00
SB 221/HB 401	\$ 5,000.00
SB 681/HB 651	\$ 54,000.00
SB 753/HB 819	\$ 96,100.00
SB 820/HB 966	\$260,900.00
SB 899/HB 836	\$ 5,000.00
SB 935/HB 963	\$ 4,200.00
SB 1007/HB 826	\$ 2,900.00
SB 1012/HB 834	\$334,400.00
SB 1035/HB 429	\$ 50,700.00
SB 1068/HB 579	\$ 13,000.00
SB 1094/HB 741	\$ 6,000.00

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This appropriation is subject to approval by the Commissioner of Finance and Administration.

Item \_\_\_\_\_. Subject to the passage of Senate Bill No. 1385/House Bill No. 1252, there is hereby appropriated a sum sufficient from revenues available under the provisions of the act. The Commissioner of Finance and Administration is authorized to allocate all revenues generated to the state under the provisions of Senate Bill No. 1385/House Bill No. 1252 to the agencies and departments involved with the implementation of the provisions of said bill. Further, from the funds appropriated by this act in Section 1 to appropriate executive branch departments and agencies, the Commissioner of Finance and Administration is authorized to transfer a sum sufficient not to exceed \$600,000 to the Department of Environment and Conservation, Tennessee State Planning Office, and Department of Revenue for purposes of administering Senate Bill No. 1385/House Bill No. 1252.

This appropriation is subject to the approval of the Commissioner of Finance and Administration."

AND FURTHER AMEND by deleting from Section 9 of the bill, as introduced, Item 7 in its entirety and by substituting a new Item 7 to read:

"Item 7. To the Office of Information Resources from the general obligation bonds/notes authorized under Chapter 875, Public Acts of 1986; Chapter 525, Public Acts of 1989; and Senate Bill No. 563/House Bill No. 307 or Senate Bill No. 1524/House Bill No. 1523 for data processing services."

AND FURTHER AMEND by adding to Section 9 of the bill, as introduced, a new item to read:

"Item \_\_\_\_\_. In addition to the appropriation made in Section 4 of this act in Title III-1, Item 2.1 to the District Attorneys General, there is hereby appropriated a sum sufficient not to exceed \$252,000 under the provisions of Tennessee Code Annotated, Section 36-5-107(3). This appropriation is subject to approval by the Commissioner of Finance and Administration."

AND FURTHER AMEND by adding to Section 10, Item 10 of the bill, as introduced, a new sentence at the end of the item to read: "Subject to approval by the Commissioner of Finance and Administration, there is hereby appropriated a sum sufficient to the Comptroller of the Treasury for additional staff resources for the Tax Relief Program during the first cycle in which income and property value limits are increased to \$12,000.00 and \$20,000.00 respectively."

AND FURTHER AMEND by adding to Section 12 of the bill, as introduced, the following new items:

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"Item \_\_\_\_\_. Pursuant to Tennessee Code Annotated, Section 40-24-107(e)(2), there is appropriated to the Department of Human Services an amount not to exceed \$590,000 from interest income earned on balances in the Victims of Drunk Drivers Compensation Fund. It is the intent of the General Assembly that these funds be used for capital program development for new programs for victims of crime, including but not limited to, Child Advocacy Centers and Comprehensive Victim Services Programs.

Item \_\_\_\_\_. Pursuant to Tennessee Code Annotated, Section 40-24-107(e)(3), there is hereby appropriated to the Department of Human Services an amount not to exceed \$1,145,000 from revenue deposited to the Victims of Drunk Drivers Compensation Fund, such amount being revenues which are estimated to exceed claims presented for payment. It is the intent of the General Assembly that funds made available by this item be used to support and enhance services available to victims of child sexual abuse.

AND FURTHER AMEND by adding to Section 15 of the bill, as introduced, a new item to read:

"Item \_\_\_\_\_. The Commissioner of Finance and Administration is authorized to transfer to the Department of General Services the funding, personnel and equipment associated with the operation of the central supply unit for the Department of Human Services and other such units operating in other agencies."

AND FURTHER AMEND by deleting from Section 29 of the bill, as introduced, Item 10 in its entirety and by substituting instead a new Item 10 to read:

"Item 10. There is hereby appropriated a sum sufficient to pay insurance claims filed by lending institutions under the provisions of the Guaranteed Student Loan Program and the costs associated with administering that program. Provided, however, such payments shall be made and such costs shall be paid from funds and reserves received and maintained by the Tennessee Student Assistance Corporation for the Guaranteed Student Loan Program and the State of Tennessee shall in no way be liable for such claims."

AND FURTHER AMEND by adding to Section 34 of the bill, as introduced, the following new items:

"Item \_\_\_\_\_. From the funds appropriated to the Department of Youth Development in Section 1, Title III-15, a sum sufficient is available to be transferred to Mountain View Developmental Center to accommodate operational expenses at the facility.

Item \_\_\_\_\_. From the funds appropriated to the Department



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of Revenue in Section 1, Title III-19, and to the Department of Safety in Section 1, Title III-21, a sum sufficient is available to be transferred to accommodate the expenses of the Titling and Registration Division which was transferred from Revenue to Safety effective July 1, 1990.

Item \_\_\_\_\_. From the funds appropriated to the Department of Health and Environment in Section 1, Title III-17, the Commissioner of Finance and Administration is authorized to make transfers between appropriation items for the purposes of providing funds to a) the Ground Water program, b) the Chronic Renal Disease program and c) meeting the department's requirements to the State Office Buildings and Support Facilities Revolving Fund.

Item \_\_\_\_\_. The appropriations made to the Medicaid Program under Section 1, Title III-17, are available for transfer between appropriation items. Said transfers are subject to approval by the Commissioner of Finance and Administration.

Item \_\_\_\_\_. From the funds appropriated to the judicial branch in Section 1, Title II, the Commissioner of Finance and Administration is authorized to transfer appropriations to the State Law Libraries.

Item \_\_\_\_\_. From the appropriations made to the Department of Human Services in Section 1, Title III-18, the Commissioner of Finance and Administration is authorized to make transfers between programs and units of the department and to adjust federal aid and other departmental revenue appropriations accordingly."

AND FURTHER AMEND by adding to Section 35 of the bill, as introduced, the following new items:

"Item \_\_\_\_\_. From the funds appropriated by the provisions of this act to the Department of Correction for Tennessee State Prison and DeBerry Correctional Institute, there is hereby authorized the transfer of funding and positions for the establishment of start-up operation of the Special Needs Facility at Nashville, subject to the approval of the Commissioner of Finance and Administration.

Item \_\_\_\_\_. From the funds appropriated by the provisions of this act to the Department of Correction for State Prosecutions under Section 1, Title III-7, Item 3, there is hereby authorized the transfer of funding for program expansions and position establishment for such alternative programs as would defer felons from incarceration in county facilities. Additionally, such funding may be used to off-set expenses associated with housing additional felons at Turney Center. This appropriation is subject to approval by the Commissioner of Finance and Administration.

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Item \_\_\_\_\_. The appropriations made to the Medicaid Program under Section 1, Title III-17, are available for transfer between appropriation items. Said transfers are subject to approval by the Commissioner of Finance and Administration.

Item \_\_\_\_\_. From the funds appropriated in Section 1, Title III-17, and Section 4, Title III-18, to the Department of Health and Environment, the Commissioner of Finance Administration is authorized to make transfers between appropriation items for purposes of assuring compliance with new maintenance of effort and state matching requirements of the Maternal and Child Health Services Block Grant.

Item \_\_\_\_\_. From the funds appropriated to the Department of Mental Health and Mental Retardation in Section 1, Title III-14, Item 3.2, for Community Mental Retardation Programs, the Commissioner of Finance and Administration is authorized to transfer a sum sufficient to the Medicaid Program in the Department of Health and Environment to provide the State match for an expanded Medicaid waiver program for community services to the mentally retarded. Furthermore, the Commissioner of Finance and Administration may increase the interdepartmental revenue estimate for the Community Mental Retardation Program and increase federal aid revenue estimates for the Medicaid program in the Department of Health and Environment accordingly.

Item \_\_\_\_\_. From the appropriations made in Sections 1 and 4 of this act, the Commissioner of Finance and Administration, with the approval of the State Insurance Committee, is authorized to transfer appropriations and positions for the establishment of a State Wellness Program and coordination of a statewide Employee Assistance Program.

Item \_\_\_\_\_. From the appropriations made to the Department of Human Services in Sections 1 and 4, the Commissioner of Finance and Administration is authorized to transfer a sum sufficient a) to properly reflect administration of the day care delivery system; b) to the Division of Administration to properly reflect the efficiencies gained through implementation of the ACCENT family assistance program; and c) in the Social Services program to maximize collection of federal aid and other department revenue.

Item \_\_\_\_\_. From the appropriations made in Sections 1 and 4 of this act to the Department of General Services, Department of Agriculture and Department of Safety for purposes of the State Office Building and Support Facilities Revolving Fund, the Commissioner of Finance and Administration is authorized to transfer appropriations, positions and equipment between the departments to properly reflect the lease payments and responsibilities of the agencies."

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AND FURTHER AMEND by adding to Section 36 of the bill, as introduced, the following new items:

"Item \_\_. The unexpended balance of the appropriations reappropriated to the Tennessee Advisory Commission on Intergovernmental Relations under Section 47, Item 2.

Item \_\_. The appropriation made to the Department of Agriculture under Section 1, Title III-3 for operation of the West Tennessee Agricultural Museum in Milan, Tennessee."

AND FURTHER AMEND by deleting from the bill, as introduced, Section 39 in its entirety and by substituting a new Section 39 to read:

"SECTION 39. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. There is hereby appropriated from departmental revenues and federal aid funds the amounts hereinafter set out:

	1990-91	1991-92
District Attorneys General		
1. Executive Secretary	\$ 14,800	\$ 59,100
2. IV-D Child Support	115,100	678,300
Total District Attorneys General	\$ 129,900	\$ 737,400
Secretary of State		
1. Library and Archives	\$ 36,500	\$ 30,200
2. Regional Libraries	6,700	-
Total Secretary of State	\$ 43,200	30,200
Department of General Services		
1. Motor Vehicle Management	\$ -	\$ 870,000
2. Facility Support Services	-	265,000
Total General Services	\$ -	\$1,135,000
Department of Agriculture		
1. Plant Industries	\$ 226,200	\$ 168,500
2. Soil and Water Conservation	95,000	55,000
3. Technical Services	132,300	-
Total Agriculture	\$ 435,500	\$ 223,500
Department of Conservation		
1. Forestry	\$ 322,000	\$ 455,000
2. Geology	-	62,300
Total Conservation	\$ 322,000	\$ 517,300
Wildlife Resources Agency		
1. Boating	\$ 98,000	\$ -
Department of Education		
1. Elementary and Secondary Education- ESEA Chapter 1 and Chapter 2	\$13,674,900	\$ -

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Higher Education		
1. Tennessee Higher Education Commission	\$ 6,600	\$ -
Department of Mental Health and Mental Retardation		
1. Administrative Services Division	\$ 58,600	\$ 108,900
2. Alcohol and Drug Abuse Services Administration	178,600	308,400
3. Community Alcohol and Drug Abuse Services	5,352,600	1,425,300
4. Mental Health Services Administration	-	4,000
5. Community Mental Health Services	104,800	103,000
6. Mental Retardation Administration	-	32,700
Total Mental Health and Mental Retardation	\$5,694,600	\$1,982,300
Department of Youth Development		
1. Mountain View Developmental Center	\$ 62,200	\$ -
Department of Military		
1. Tennessee Air National Guard	\$ 17,000	\$ 56,000
Department of Health and Environment		
1. Health Care Facilities	\$ 368,000	\$ 368,000
2. Air Pollution Control	130,000	134,400
3. Construction Grants and Loans	3,341,000	8,441,000
4. Solid Waste Management	330,000	-
5. Hazardous Waste Remedial Action Fund	2,129,300	265,600
6. Underground Storage Tanks	-	218,000
7. Family Planning Services	531,500	531,500
8. Maternal and Child Health	86,300	119,300
9. Communicable Disease Control	1,055,700	690,700
10. Women, Infants and Children (WIC)	6,422,900	6,422,900
Total Health and Environment	\$14,394,700	\$17,191,400
Department of Human Services		
1. Division of Administration	\$ -	\$ 795,300
2. Family Assistance Services	240,900	-
3. Social Services	-	690,300
4. Community Services	-	10,519,600
5. Disability Determination	-	3,724,500
Total Human Services	\$ 240,900	\$15,729,700
Tennessee Bureau of Investigation		
1. Tennessee Bureau of Investigation	\$ -	\$ 453,500
Department of Safety		
1. Highway Patrol	\$ -	\$ 100,000
Total	\$35,137,500	\$37,021,300

The Commissioner of Finance and Administration is authorized to establish 135 full-time positions and 2 part-time positions and to allocate them to the appropriate organizational units. Any unexpended balances at June 30, 1991, of departmental revenues and federal aid funds appropriated in this section are hereby reappropriated in the fiscal year beginning July 1, 1991."

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AND FURTHER AMEND by adding to Section 41, Item 11 of the bill, as introduced, a new sentence at the end of the item to read:

"Subject to the joint approval of the Director of the TBI and the Commissioner of Finance and Administration, a sum sufficient may be allocated from this appropriation for the beginning study of an integrated computer system for the Tennessee court system."

AND FURTHER AMEND by adding to Section 41 of the bill, as introduced, the following new items:

"Item \_\_\_. Subject to the approval of the Commissioner of Finance and Administration and the State Treasurer, the separate trust account in the amount of \$150,000.00 established in the unclaimed property program prior to the enactment of Chapter 424, Public Acts of 1989, shall revert to the general fund balance at June 30, 1991.

Item \_\_\_. In addition to the appropriations made to the Department of Safety in Section 4 of this act and in Section 4 of Chapter 1085, Public Acts of 1990, there is hereby appropriated a sum sufficient from the proceeds of property seized and forfeited under federal procedures which are shared with the department. This appropriation is subject to approval by the Commissioner of Finance and Administration. This appropriation shall not revert to the general fund at June 30, 1991, or June 30, 1992, but shall be reappropriated in the subsequent fiscal year.

Item \_\_\_. There is hereby appropriated a sum sufficient from the Petroleum Underground Storage Tank Fund to pay for actuarial studies and management studies for the purpose of reviewing the fund. This appropriation is subject to approval by the Commissioner of Finance and Administration.

Item \_\_\_. There is hereby appropriated a sum sufficient not to exceed \$50,000.00 to the Department of Finance and Administration for the purpose of funding a pilot program to attempt to enhance the collection of fines and costs in the Criminal and General Sessions courts of Sullivan County. The appropriation shall be funded from the additional revenues recovered under the pilot program and deposited with the state. The Commissioner of Finance and Administration shall report to the Finance, Ways and Means Committees and the Judiciary Committees of the Senate and House of Representatives after one year of operation of the pilot program.

Item \_\_\_. In addition to the appropriations of departmental revenues made for environmental management to the Department of Health and Environment in Section 4, Title III-18, of this act and in Section 4, Title III-18 of Chapter 1085, Public Acts of 1990, there is hereby

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appropriated a sum sufficient to implement the provisions of the U. S. Department of Energy--Oak Ridge Environmental Oversight and Health Studies Agreements. This appropriation is subject to the approval of the Commissioner of Finance and Administration, and the Commissioner is authorized to allocate funds to the agencies and departments involved with the implementation of the program.

Item \_\_. There is hereby appropriated a sum sufficient in the fiscal years ending June 30, 1991, and June 30, 1992, to the Department of Mental Health and Mental Retardation for alcohol and drug community services. Said appropriation shall be in lieu of the alcoholic beverage tax previously apportioned to the department, and the Commissioner of Finance and Administration shall reduce departmental revenue allotments in offsetting amounts.

Item \_\_. In Section 1, Title III-26, and Section 4, Title III-24, Department of Transportation, a sum sufficient is hereby appropriated to meet any change in federal match requirements and federal aid appropriations. To provide for a change in match requirements the Commissioner of Transportation is authorized to increase or decrease the affected federal aid appropriation items in Section 4, Title III-24, and to increase or decrease the necessary state matching appropriation items in Section 1, Title III-26. Any increase and offsetting reduction of appropriation items shall be subject to approval by the Commissioner of Finance and Administration and to notification in writing to the Chairmen of the Transportation Committees and Finance, Ways and Means Committees of the Senate and House of Representatives. It is the intent of the legislature to maximize federal aid funds available to the Department of Transportation.

Item \_\_. In the fiscal year ending June 30, 1991, there is hereby appropriated an amount not to exceed \$18,000,000.00 to the Department of Health and Environment, Division of Medicaid, in recognition of additional revenues available to the program. This appropriation is subject to approval by the Commissioner of Finance and Administration who is further authorized to adjust departmental revenue allotments accordingly.

Item \_\_. In the fiscal years ending June 30, 1991, and June 30, 1992, there is hereby appropriated a sum sufficient to the Department of Commerce and Insurance, Division of Regulatory Boards for the purpose of paying the premium costs for errors and omission insurance secured under the provisions of Tennessee Code Annotated, Section 62-13-112. This appropriation shall be funded by revenues collected for providing the coverage.

Item \_\_. In the fiscal year ending June 30, 1991, there is hereby appropriated a sum sufficient not to exceed

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\$200,000.00 for the purpose of funding studies to improve the effectiveness of state government. This appropriation is subject to the approval of the Commissioner of Finance and Administration.

Item \_\_\_. In the fiscal years ending June 30, 1991, and June 30, 1992, there is hereby appropriated a sum sufficient from the State Office Buildings and Support Facilities Revolving Fund for facilities review expenditures including consultant contracts. This appropriation is subject to the approval of the Commissioner of Finance and Administration."

Item \_\_\_. There is hereby appropriated an amount not to exceed \$250,000.00 to the Department of Mental Health and Mental Retardation to purchase Hepatitis B vaccine for an employee immunization program."

AND FURTHER AMEND by adding to Section 48 of the bill, as introduced, the following new items:

Item \_\_\_. From the funds appropriated to the Department of Transportation in Highway Maintenance, the Department is authorized, with the approval of the Commissioner of Finance and Administration, to establish not more than ninety-five (95) positions to staff the rest areas throughout the state.

Item \_\_\_. From the appropriations made in Section 1 and Section 4 of this act in Titles III-2 through III-21 and in Titles III-2 through III-22 respectively, the Commissioner of Finance and Administration is authorized to transfer appropriations for payroll equity balances between departments and agencies of the executive branch and to adjust federal aid and departmental revenue appropriations accordingly."

AND FURTHER AMEND by inserting in Section 48, Item 7.g) of the bill, as introduced, the words "the Department of Safety's " immediately preceding the words "motor vehicle enforcement activities".

AND FURTHER AMEND by adding a new section to the bill to read:

SECTION \_\_\_. Subject to the passage of Senate Bill No. 631/House Bill No. 1089, the appropriations to the Department of Health and Environment in Section 1, Title III-17, of this act, are reduced as follows:

Item	Amount
3.3 Radiological Health	\$941,400
3.4 Water Management	\$74,000
3.5 Solid Waste Management	\$946,800
Total	\$1,962,200

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The Commissioner of Finance and Administration is authorized to reduce the appropriations further in recognition of any interest earnings loss to the general fund. Further, subject to passage of Senate Bill No. 631/House Bill No. 1089, appropriations of departmental revenues to the Department of Health and Environment in Section 4, Title III-18, of this act, are reduced as follows:

Item	Amount
3.1 Air Pollution Control	\$181,500
3.2 Radiological Health	\$90,600
3.4 Water Management	\$306,100
3.8 Ground Water	\$2,447,100
Total	\$3,025,300

Such funds are hereby reappropriated into the "Tennessee Environmental Protection Fund" created by Senate Bill No. 631/House Bill No. 1089, along with any other revenues generated as the result of the provisions of the act. In establishing FY 1991-92 work programs for the Department of Environment and Conservation, the Commissioner of Finance and Administration shall reallocate these funds back to their respective environmental programs. Further the Commissioner of Finance and Administration shall also allocate from the Tennessee Environmental Protection Fund to the Department of Environment and Conservation estimates of FY 1991-92 revenues to be generated as the result of Senate Bill No. 631/House Bill No. 1089.

All provisions of this amendment are subject to passage of Senate Bill No. 631/House Bill No. 1089, and are subject to the approval of the Commissioner of Finance and Administration.

AND FURTHER AMEND by adding a new section to the bill to read:

SECTION \_\_\_\_ The provisions of this section shall take effect upon becoming a law, the public welfare requiring it. Capital outlay projects previously authorized and funded by the General Assembly, but which have not gone to bid for construction are hereby authorized to be cancelled subject to the following conditions:

1. The Revenue Fluctuation Reserve is depleted in closing the state's general fund at June 30, 1991.

2. The Commissioner of Finance and Administration shall submit a list of projects and remaining appropriation balances to be cancelled to the Finance, Ways and Means Committees of the Senate and House of Representatives for review and concurrence.

3. The Commissioner of Finance and Administration



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shall reduce appropriations in the capital projects fund for the cancelled projects and the funds shall be transferred to the general fund balance as of June 30, 1991.

AND FURTHER AMEND by deleting from Section 1, Title III-25 of the bill, as introduced, Items 1 through 10 in their entirety, and by substituting the following new items and total:

- "1. Department of Finance and Administration
  - 1.1 Middle Tennessee Veterans' Cemetery \$ 200,000.00
  - 1.2 Statewide Capital Maintenance 5,000,000.00
- 2. Department of Mental Health and Mental Retardation
  - 2.1 ADC-Addition/Renovation Redbud 500,000.00
  - Total Title III-25 \$5,700,000.00"

AND FURTHER AMEND by deleting from Section 1, Title III-27 of the bill, as introduced, Item 4 in its entirety, and by substituting a new Item 4 and by adjusting the total accordingly:

- "4. Amortization of Authorized and Unissued Construction Bonds 35,733,000.00"

AND FURTHER AMEND by deleting in its entirety Section 2, Item 8 of the bill as introduced, and by substituting a new Item 8 to read:

"Item 8. From the capital outlay appropriation to the Department of Finance and Administration made in Section 1, Title III-25 of this act, the sum of \$5,000,000.00 is for statewide capital maintenance. Subject to approval of the State Building Commission, the Commissioner of Finance and Administration is authorized to allocate and transfer these funds to approved projects."

AND FURTHER AMEND by adding to Section 2 of the bill, as introduced, a new item to read:

"Item \_\_\_\_\_. There is hereby appropriated a sum not to exceed \$150,000.00 from the highway fund balance to match federal funds for a capital outlay project to renovate the Knox County scales on the interstate highway system. This appropriation is subject to approval by the State Building Commission."

AND FURTHER AMEND by adding to Section 6 of the bill, as introduced, the following new items:

"Item \_\_\_\_\_. To provide the debt service on ten million, six hundred thousand dollars (\$10,600,000.00) of the general obligation bond issue authorized under Senate Bill No. 1524/ House Bill No. 1523, there is hereby appropriated a sum sufficient from funds available to the Department of Finance and Administration in the internal service fund for

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data processing services.

Item \_\_\_\_\_. To provide the debt service on six million, three hundred thousand dollars (\$6,300,000.00) of the general obligation bond issue authorized under Senate Bill No. 1524/ House Bill No. 1523, there is hereby appropriated a sum sufficient from the wetlands acquisition funds available to the Tennessee Wildlife Resources Agency."

AND FURTHER AMEND by deleting from Section 7, Item 7 of the bill, as introduced, the words and figure "four hundred fifty dollars (\$450.00)" and by substituting instead the words and figure "three hundred sixty dollars (\$360.00)".

AND FURTHER AMEND by deleting from Section 7, Item 12 of the bill, as introduced, the words and figure "six hundred dollars (\$600.00)" and by substituting instead the words and figure "four hundred eighty dollars (\$480.00)".

AND FURTHER AMEND by deleting from Section 8 of the bill, as introduced, Item 22 in its entirety and by renumbering the subsequent items.

AND FURTHER AMEND by deleting from Section 10, Item 10 of the bill, as introduced, the words and figure "twelve thousand dollars (\$12,000.00)" and by substituting instead the words and figure "eight thousand two hundred dollars (\$8,200.00)".

AND FURTHER AMEND by deleting from Section 10 of the bill, as introduced, Item 15 in its entirety and by renumbering the subsequent items.

AND FURTHER AMEND by deleting from Section 10 of the bill as introduced, Item 29 in its entirety and by substituting a new item to read:

"Item \_\_\_\_\_. Out of funds appropriated to the Department of Transportation, there is hereby allocated \$11,600,000.00 to the Transportation Equity Fund, or such amount as may arise from tax revenues dedicated to this fund. If the amount in the fund is greater than \$15,000,000.00, then the Commissioner of Transportation shall apply to the finance committees of the Senate and House of Representatives through an expansion request for expenditure of any such additional funds. If the amount raised through the dedicated taxes is less than \$11,600,000.00 then only the amount raised through such dedicated taxes may be expended. Further, there is hereby transferred a sum not to exceed \$3,400,000.00 from the highway fund balance to the general fund balance from revenues allocated in the 1991-92 fiscal year. There is further transferred a sum not to exceed \$3,500,000.00 from the highway fund balance at June 30, 1991, to the general fund balance."

AND FURTHER AMEND by deleting from Section 1, Title III-26

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of the bill, as introduced, Item 1.18 in its entirety and by substituting a new Item 1.18 and by adjusting the totals accordingly:

"1.18 Air, Water and Rail Transportation 11,600,000.00"

AND FURTHER AMEND by deleting from Section 11 of the bill, as introduced, Item 1 in its entirety and by substituting a new Item 1 to read:

"Item 1. The appropriation in Section 1, Title III-9, Item 2.1(a) in the amount of \$1,145,767,700.00 for the Basic Education Program is hereby appropriated for the purpose of implementing the provisions of Senate Bill No. 1231/House Bill No. 752 if the bill becomes a law."

AND FURTHER AMEND by deleting from Section 11 of the bill, as introduced, in Item 3 the words and figure "sixty percent (60%)" and by substituting instead the words and figure "forty five percent (45%)".

AND FURTHER AMEND by deleting from Section 29 of the bill, as introduced, Items 14, 15 and 16 in their entirety and by renumbering the subsequent items.

AND FURTHER AMEND by deleting from Section 30 of the bill, as introduced, the last two paragraphs in their entirety which read:

"Employees in the state service, including those at the top step of their salary range or above, shall receive salary increases in accordance with a salary policy determined by the Commissioner of Personnel and the Commissioner of Finance and Administration with review and comment by the Joint Finance, Ways and Means Committee prior to implementation.

To provide for said salary policy the appropriations made in Sections 1 and 4 of this act for employee salary improvements shall be subject to reallocation and transfer by the Commissioner of Finance and Administration. The authority to reallocate funds includes the authority to transfer within and between departments and agencies. Federal aid funds and other departmental revenues shall be adjusted accordingly to reflect the transfer of state appropriations."

AND FURTHER AMEND by deleting from Section 41 of the bill, as introduced, Items 15 and 17 in their entirety and by renumbering the subsequent items.

AND FURTHER AMEND by adding to Section 41 of the bill, as introduced, the following new items to read:

"Item \_\_\_\_\_. From the proceeds of the sale of property

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to the Metropolitan Nashville Airport Authority and any associated revenues received from the Authority, there is hereby appropriated a sum sufficient for the statewide master plan study of mental health and mental retardation facilities and for a statewide food service planning project. This appropriation is subject to approval by the Commissioner of Finance and Administration.

Item \_\_\_\_\_. From the funds appropriated to the Department of Human Services for the Aid to Families with Dependent Children (AFDC) Program, the Department of Human Services shall provide AFDC grants at amounts equal to forty-three and one-half percent (43.5%) of the adjusted AFDC standard of need."

AND FURTHER AMEND by deleting from Section 48, Item 7 h) of the bill, as introduced, the figure "\$7,500,000.00" and by substituting instead the figure "\$5,500,000.00".

AND FURTHER AMEND by deleting in its entirety Section 49 of the bill, as introduced, and by renumbering the subsequent sections.

AND FURTHER AMEND by adding a new Section to read:

"SECTION \_\_\_\_\_. The appropriations in Section 1 of this act are hereby reduced in the amount of \$818,487,300.00 as reflected in the schedule, "Reconciliation Assuming No New Taxes 1991-92," prepared by the Department of Finance and Administration and dated May 20, 1991.

The appropriations in Section 1 of this act are further reduced in the amount of \$525,000.00 to reflect the deletion of funding for the twenty-third year of longevity pay for state employees.

Where department wide reductions are shown on the schedule, the department or agency head shall allocate the reductions to individual programs and organizational units and submit the allocations to the Commissioner of Finance and Administration in a timely manner. The Commissioner is further authorized to allocate the OIR reduction of \$200,000.00 to the user agencies and departments.

The appropriations in Section 4 of this act shall be adjusted by the Commissioner of Finance and Administration to reflect the reductions made in Section 1."

AND FURTHER AMEND by adding the following new items at the end of Section 12, as introduced:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient for the purpose of implementing Senate Bill No. 1331/House Bill No. 1407, relative to employment

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classification of state employees, if such bill becomes a law.

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient not to exceed four hundred thirty-six thousand two hundred dollars (\$436,200) for the purpose of implementing Senate Bill No. 1428/House Bill No. 1361, relative to payments for appointed counsel in termination of parental rights and in dependent and neglect cases, if such bill becomes a law. These funds shall be derived from excess funds from the fee increase in appellate court clerks fees authorized by Senate Bill No. 1292/House Bill No. 1094, if such bill becomes a law.

AND FURTHER AMEND by adding to Section 41 of the bill, as introduced, a new item to read:

Item \_\_\_\_\_. To the extent that there are unexpended balances of appropriations made for the benefit of the Institute for African and Caribbean Affairs, said balances are hereby transferred from Tennessee State University to the Institute and are hereby reappropriated to be expended in the 1991-92 fiscal year and such appropriations shall be carried forward in a reserve into the fiscal year beginning July 1, 1991. This appropriation is subject to approval by the Commissioner of Finance and Administration.

AND FURTHER AMEND by adding to Section 43 of the bill, as introduced, a new item to read:

Item \_\_\_\_\_. The appropriation made in Chapter 1085, Public Acts of 1990, in Section 10, Item 27, is amended by adding the words "an amount not to exceed" immediately preceding the words and figures "five hundred thousand dollars (\$500,000.00)".

AND FURTHER AMEND by adding the following new section:

Section \_\_\_\_\_. Notwithstanding any provision of this act to the contrary, it is the legislative intent that any reductions in state appropriations provided by this act from those amounts shown as originally introduced in Section 1, Title I, shall be deemed to be amounts to be reverted to the general fund at June 30, 1992, and shall not be deemed to be reductions in spending authority. Nothing contained in this item shall be construed as authorizing any increases in salaries except as may be otherwise permitted by other provisions of this act.

AND FURTHER AMEND by adding to Section 12 of the bill, as introduced, the following new item:

Item \_\_\_\_\_. Subject to the passage of Senate Bill No. 1388/ House Bill No. 1264, there is hereby appropriated a

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sum sufficient to the Department of Safety to issue new motor vehicle registration plates. This appropriation is subject to approval by the Commissioner of Finance and Administration.

**Senate Amendment No. 3**

AMEND House Bill No. 1522 by deleting from the amendment to Section 7, Item 7 of the bill, as introduced, contained on page 39 of Senate Finance, Ways, and Means Amendment No. 2 the following:

AND FURTHER AMEND by deleting from Section 7, Item 7 of the bill, as introduced, the words and figure "four hundred fifty dollars (\$450.00)" and by substituting instead the words and figure "three hundred sixty dollars (\$360.00)".

AND FURTHER AMEND by deleting from the amendment to Section 7, Item 12 of the bill, as introduced, contained on page 39 of Senate Finance, Ways, and Means Amendment No. 2 the following:

AND FURTHER AMEND by deleting from Section 7, Item 12 of the bill, as introduced, the words and figure "six hundred dollars (\$600.00)" and by substituting instead the words and figure "four hundred eighty dollars (\$480.00)".

AND FURTHER AMEND by deleting from the amendment to Section 8, Item 22 of the bill, as introduced, contained on page 39 of the Senate Finance, Ways, and Means Committee Amendment No. 2 the following:

AND FURTHER AMEND by deleting from Section 8 of the bill, as introduced, Item 22 in its entirety and by renumbering the subsequent items.

AND substituting instead the following:

AND FURTHER AMEND by deleting from Section 8, Item 22 of the bill, as introduced the words and figures "Senate Bill No. 1327 / House Bill No. 1149" and substituting instead the words and figures "Senate Bill 682 / House Bill 1015".

AND FURTHER AMEND by deleting from the amendment to Section 10, Item 10 of the bill, as introduced, contained on page 39 of the Senate Finance, Ways, and Means Committee Amendment No. 2 the words and figures "eight thousand two hundred dollars (\$8,200.00)" and substituting therefore the words and figures "nine thousand two hundred dollars (\$9,200.00)".

AND FURTHER AMEND by deleting the amendment to Section 11 of the bill, as introduced, contained on page 41 of the Senate Finance, Ways, and Means Committee Amendment No. 2 and substituting instead the following:

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AND FURTHER AMEND by deleting from Section 11 of the bill, as introduced, Item 1 in its entirety.

AND FURTHER AMEND by deleting from the amendment to Section 41 of the bill, as introduced, contained on page 43 of the Senate Finance, Ways, and Means Committee Amendment No. 2 the following:

Item \_\_\_\_\_. From the funds appropriated to the Department of Human Services for the Aid to Families with Dependent Children (AFDC) Program, the Department of Human Services shall provide AFDC grants at amounts equal to forty-three and one-half percent (43.5%) of the adjusted AFDC standard of need."

AND FURTHER AMEND by deleting the first paragraph of the new section proposed to be added at the bottom of page 43 of the Senate Finance, Ways, and Means Committee Amendment No. 2, and substituting instead the following:

SECTION \_\_\_\_\_. The appropriations in Section 1 of this act are reduced in the amount of \$584,895,500 (excluding any medicaid restorations), as reflected in the schedule "Revised Reconciliation Schedule -- 1991-92", as approved by the Senate Finance, Ways, and Means Committee and dated May 27, 1991.

AND FURTHER AMEND by adding the following new item at the end of Section 13 (Section 12 of the bill as introduced):

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient in a minimal amount to implement the provisions of Senate Bill No. 762 / House Bill No. 1228, relative to early intervention services for handicapped infants and toddlers, if such bill becomes a law. This appropriation is subject to the approval of the Commissioner of Finance and Administration.

AND FURTHER AMEND by adding the following new item at the end of Section 13 (Section 12 of the bill as introduced):

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred forty thousand dollars (\$140,000) to the Tennessee State Museum for special exhibits, as follows:

1) A People at War: Americans in World War II - \$100,000

2) Encountering the New World (Christopher Columbus) - \$40,000

AND FURTHER AMEND by deleting Item 3 from Section 8

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(Section 7 of the bill as introduced) which reads as follows:

Item 3. Tennessee State Museum in Section 1, Title III-2, a sum sufficient is hereby appropriated for a program(s) in commemoration of the fiftieth anniversary of the start of World War II. This appropriation is subject to approval by the Commissioner of Finance and Administration.

**Senate Amendment No. 1 to Senate Amendment No. 3**

AMEND House Bill No. 1522 by deleting the figure "\$584,895,500" appearing on page 3 and by substituting in lieu thereof the figure "\$598,487,300".

AND FURTHER AMEND by deleting the directory language appearing on pages 3 and 4 which reads as follows:

Section 13 (Section 12 of the bill as introduced)

and by substituting in lieu thereof the following:

Section 12 of the bill as introduced

AND FURTHER AMEND by deleting the directory language which appears on page 4 which reads as follows:

Section 8 (Section 7 of the bill as introduced)

and by substituting in lieu thereof the following:

Section 7 of the bill as introduced

**Senate Amendment No. 20**

Amend House Bill No. 1522 by adding the following new item at the end of Section 12:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is hereby appropriated the sum of thirty two thousand five hundred eighty-eight dollars (\$32,588) for the purpose of implementing Senate Bill 305-House Bill 469, in accordance with the provisions of T.C.A. 9-6-119, if such bill becomes a law.

**Senate Amendment No. 22**

Amend House Bill No. 1522 by deleting the following language:

Item \_\_\_\_\_. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of three hundred thirty-six million five hundred ninety-four thousand six hundred dollars (\$336,594,600),



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for the purpose of implementing Senate Bill 1231 / House Bill 752, relative to the Education Improvement Act of 1991, if such bill becomes a law.

Rep. Purcell moved that the House nonconcur in Senate Amendment(s) No(s). 1, 2, 3 as amended, 20 and 22 to House Bill No. 1522, which motion prevailed by the following vote:

Ayes. . . . .	79
Noes. . . . .	13
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Haley, Halteman, Harrill, Hassell, Head, Herron, Hillis, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Windle, Wix, Wood, Mr. Speaker Naifeh -- 79.

Representatives voting no were: Cole, Givens, Gunnels, Haun, Hill, McKee, Meyer, Severance, Shirley, Stamps, Walley, Williams (Union), Winningham -- 13.

Representatives present and not voting were: Pinion -- 1.

**HOUSE ACTION ON SENATE AMENDMENT**

**House Bill No. 1411 -- Education --** Provides for incremental implementation of public school nurse programs; establishes system of competitive grants for model urban and rural comprehensive school health programs. Amends TCA, Titles 49, 68.

**Senate Amendment No. 2**

Amend House Bill No. 1411 by deleting the fourth sentence of the amendatory language of Section 2(A) and substituting instead the following:

The staff of each model program must also include, at a minimum, a certified pediatric or family nurse practitioner with adequate physician backup, a certified health education specialist, and, when possible, should also include a master social worker with adequate psychiatric backup.

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Rep. Pruitt moved that the House nonconcur in Senate Amendment(s) No(s). 2 to **House Bill No. 1411**, which motion prevailed by the following vote:

Ayes. . . . .	97
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

**HOUSE ACTION ON SENATE MESSAGE**

**\*Senate Bill No. 0268** -- Education -- Revises school attendance laws if a person owns real property located in more than one county. Amends TCA, Title 49, Ch. 6.

**CONFERENCE COMMITTEE REPORT  
ON SENATE BILL NO. 268**

The House and Senate Conference Committees appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 268 (House Bill No. 270) have met and recommended that all Senate and House amendments be deleted, and further recommend that the second amendatory section of Section 1 be deleted in its entirety.

Senator Tommy Burks	Representative Bill Collier
Senator Jerry Cooper	Representative Joe Fowlkes
Senator Keith Jordan	Representative Roy Herron
Senator Lynn Lawson	Representative Steve McDaniel
Senator Pete Springer	Representative Phillip Pinion

Rep. Collier moved that the Report of the Conference Committee on **Senate Bill No. 268** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes. . . . .	84
Noes. . . . .	14

Representatives voting aye were: Allen, Anderson, Armstrong,

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Arriola, Bell, Bragg, Buck, Byrd, Chumney, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hillis, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tullos, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 84.

Representatives voting no were: Bittle, Bivens, Callicott, Chiles, Clark, Coffey, Davis (Cocke), Hill, Huskey, Knight, Liles, Peroulas Draper, Tindell, Turner (Shelby) -- 14.

A motion to reconsider was tabled.

**\*Senate Bill No. 0278** -- Sewage -- Revises dates for certain types of subsurface sewage disposal system permits. Amends TCA, Title 68, Ch. 13, Pt. 4.

Rep. Duer moved that Senate Bill No. 278 be reset to the Message Calendar for June 20, 1991, which motion prevailed.

**UNFINISHED BUSINESS**

**BILL RETURN REQUESTED**

Pursuant to Rule No. 54, Rep. Kisber moved that the Clerk request the return of House Bill No. 771 from the Governor, which motion prevailed.

**COMMUNICATION  
JUNE 18, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill No. 771, pursuant to your request.

Ned McWherter,  
Governor.

**MESSAGE FROM THE SENATE  
June 18, 1991**

MR. SPEAKER: I am directed to request the return of House Bill No. 771, for further consideration.

CLYDE W. McCULLOUGH, Jr.,  
Chief Clerk.

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**House Bill No. 0771** -- Taxes -- Provides for tax exemption of certain pollution control improvements and facilities. Amends TCA, Title 67.

**HOUSE BILL RETURNED**

There being no objection, Rep. Kisber asked that the Clerk be directed to return **House Bill No. 771** to the Senate as requested.

**RULES SUSPENDED**

Rep. Bragg moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that House Bills Nos. 697 and 1524 could be heard by the Finance, Ways and Means Committee immediately after session today, which motion prevailed.

**RULES SUSPENDED**

Rep. Davidson moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that Senate Joint Resolution No. 80 and 128 could be heard by the Education Committee immediately after session today, which motion prevailed.

**HOUSE BILL RE-REFERRED**

Rep. Kisber moved that **House Bill No. 1014** be recalled from the Calendar and Rules Committee and re-referred to the Finance, Ways and Means Committee, which motion prevailed.

**RULES SUSPENDED**

Rep. Dixon moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that Senate Joint Resolution No. 239 could be heard by the Health and Human Resources Committee immediately after session today, which motion prevailed.

**NOTICE TO ACT ON SENATE MESSAGES**

Rep. Purcell moved that **Rule No. 59** be suspended for the immediate consideration of the message from the Senate on House Bill No. 752, which motion prevailed.

**\*House Bill No. 0752** -- Education -- Enacts "Education Improvement Act of 1991". Amends TCA, Titles 8, 49.

**TUESDAY, JUNE 18, 1991 -- FIFTY-SECOND LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE  
June 18, 1991**

**MR. SPEAKER:** I am directed to return to the House, House Bill No. 752.

The Senate refused to recede from its action in adopting Amendment(s) No(s). 1, 2, 25, 26, 27, 28, 35, 30, 31, 32, 33, 34 and 13.

**CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.**

**HOUSE ACTION ON SENATE MESSAGE**

Rep. Purcell moved that the House refuse to recede from its action in nonconcurring in Senate Amendment(s) No(s). 1, 2, 13, 25, 26, 27, 28, 30, 31, 32, 33, 34 and 35 to House Bill No. 752, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED  
ON HOUSE BILL NO. 752**

Pursuant to **Rule No. 73**, Representative Purcell moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 752, which motion prevailed.

The Speaker appointed Representatives Davidson, Winningham, Bivens, Purcell, Hubbard, Peroulas Draper, Whitson, U. Jones and Haltman as the House members of the Conference Committee on House Bill No. 752.

**RULES SUSPENDED**

Rep. Purcell moved that **Rule No. 59** be suspended for the immediate consideration of the message from the Senate on House Bill No. 1522, which motion prevailed.

**\*House Bill No. 1522 -- Appropriations --** Makes appropriations to defray expenses of state government for fiscal year beginning July 1, 1991.

**MESSAGE FROM THE SENATE  
June 18, 1991**

**MR. SPEAKER:** I am directed to return to the House, House Bill No. 1522.

The Senate refused to recede from its action in adopting

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Amendment(s) No(s). 1, 2, 3 as amended, 20 and 22.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**HOUSE ACTION ON SENATE MESSAGE**

Rep. Purcell moved that the House refuse to recede from its action in nonconcurring in Senate Amendment(s) No(s). 1, 2, 3 as amended, 20 and 22 to House Bill No. 1522, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED  
ON HOUSE BILL NO. 1522**

Pursuant to **Rule No. 73**, Representative Purcell moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 1522, which motion prevailed.

The Speaker appointed Representatives Bragg, Kisber, Head, Purcell, Rhinehart, Hillis, DeBerry, Chiles, Copeland, Kent and Haun as the House members of the Conference Committee on House Bill No. 1522.

**CHAIR TO DEBERRY**

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

**MESSAGE FROM THE SENATE  
June 18, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 307 and 308; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**Senate Joint Resolution No. 0307** -- Memorials, Heroism -- 775th Engineer Detachment, Camden. by \*Springer.

**Senate Joint Resolution No. 0308** -- Memorials, Personal Occasion -- Makie Eva Christopher McDaniel, 100th Birthday. by \*Springer.

**MESSAGE FROM THE SENATE  
June 18, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 313; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**TUESDAY, JUNE 18, 1991 -- FIFTY-SECOND LEGISLATIVE DAY**

**Senate Joint Resolution No. 0313 -- Memorials, Sports -- Soddy-Daisy High School girls' softball team. by \*Crutchfield.**

**SPECIAL CONSENT CALENDAR**

**House Resolution No. 0133 -- Memorials, Death -- Dr. W. O. Smith. by \*Pruitt, \*West, \*Love.**

Introduced; placed on special consent calendar.

**House Joint Resolution No. 0425 -- Memorials, Sports -- Munford High School baseball team. by \*Naifeh.**

Introduced; placed on special consent calendar.

**House Joint Resolution No. 0426 -- Memorials, Public Service -- Jessie Henley Warren. by \*Bragg.**

Introduced; placed on special consent calendar.

**House Joint Resolution No. 0427 -- Memorials, Heroism -- SPC Melanie Rena Cole. by \*Jones R.**

Introduced; placed on special consent calendar.

**House Joint Resolution No. 0428 -- Memorials, Personal Achievement -- Bradley Ryan Everett, Valedictorian. by \*Bell.**

Introduced; placed on special consent calendar.

**House Joint Resolution No. 0429 -- Memorials, Death -- Judge Mark A. Walker. by \*Naifeh.**

Introduced; placed on special consent calendar.

**House Joint Resolution No. 0430 -- Memorials, Professional and Business Achievement -- Milan Hospital, fiftieth anniversary. by \*Davis Ray.**

Introduced; placed on special consent calendar.

**House Joint Resolution No. 0431 -- Memorials, Professional and Business Achievement -- Carolyn Cunningham, "Woman of the Year". by \*Davis Ray.**

Introduced; placed on special consent calendar.

**House Joint Resolution No. 0432 -- Memorials, Sports -- Unicoi County High School baseball team, state champions. by \*Whitson.**

Introduced; placed on special consent calendar.

**Senate Joint Resolution No. 0307 -- Memorials, Heroism -- 775th Engineer Detachment, Camden.**

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Placed on special consent calendar.

**Senate Joint Resolution No. 0308** -- Memorials, Personal Occasion -- Makie Eva Christopher McDaniel, 100th Birthday.

Placed on special consent calendar.

**Senate Joint Resolution No. 0313** -- Memorials, Sports -- Soddy-Daisy High School girls' softball team.

Placed on special consent calendar.

Rep. Phillips moved that all resolutions on the Special Consent Calendar be introduced, immediately considered, and that pursuant to **Rule No. 50**, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Special Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	98
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

**RULES SUSPENDED**

Rep. Callicott moved that **Rule No. 44** be suspended for the introduction and passage on first consideration of House Bill No. 1646, which motion prevailed.

**House Bill No. 1646** -- School Districts, Special -- Authorizes Franklin Special School District to issue bonds for \$2,500,000;



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levies tax of 10 cents on each \$100 worth of taxable property to cover bond indebtedness. by \*Callicott.

**MESSAGE FROM THE SENATE  
June 18, 1991**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 715.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No(s). 3.

The Speaker appointed a Conference Committee composed of Senators Hicks, Haynes and Harper to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 715.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
June 18, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill No. 752.

The Speaker appointed a Conference Committee composed of Senators Atchley, Albright, Darnell, Womack, Dunavant, Kyle and Rochelle to confer with a like Committee from the House to resolve the differences of the two bodies on House Bill No. 752.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
June 18, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 776; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
June 18, 1991**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 827.

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The Senate lifted the tabling motion on House Amendment(s) No(s). 1; reconsidered action in concurring in House Amendment No. 1; and nonconcurred in the amendment.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**  
**June 18, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1157.

The Senate refused to recede from its action in adopting Amendment(s) No(s). 2.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**  
**June 18, 1991**

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 1399.

The Senate nonconcurred in House Amendment(s) No(s). 3.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**  
**June 18, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill No. 1522.

The Speaker appointed a Conference Committee composed of Senators Henry, Chairman; Dunavant, Rochelle, Atchley, Darnell, Ford, Hamilton, Haynes and McNally to confer with a like Committee from the House to resolve the differences of the two bodies on House Bill No. 1522.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to the suspension of Rule No. 59, notice was given that the following measure(s) from the Senate would be considered on Thursday, June 20, 1991:

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**Senate Bill No. 278:** Rep. Duer.

**Senate Bill No. 715:** Rep. Odom.

**House Bill No. 752:** Rep. Purcell.

**Senate Bill No. 827:** Rep. Purcell.

**House Bill No. 1157:** Rep. Chumney.

**Senate Bill No. 1399:** Rep. Davis (Knox).

**House Bill No. 1522:** Rep. Purcell.

**RULES SUSPENDED**

Rep. Phillips moved to suspend **Rule No. 81(1)**, relative to the time for placing bills on notice in Committee, so that appropriate bills can be heard by the Calendar and Rules Committee on Wednesday, June 19 at 9:30 a.m.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 62:** Rep(s). Knight as prime sponsor(s).

**RESOLUTIONS LYING OVER**

On motion, the resolutions(s) listed was/were referred as noted:

**Senate Joint Resolution No. 0087** -- General Assembly, Joint Conventions -- Knoxville bicentennial, October 3, 1991. by \*Atchley, \*Koella, \*Gilbert.

Pursuant to Rule No. 17, referred to a committee consisting of the Speaker, the Majority Leader, and the Minority Leader.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

**Senate Bill No. 1523** -- Appropriations -- Authorizes growth in state appropriations which exceed rate of growth of economy for the 1991-1992 fiscal year. Amends TCA, Title 9, Ch. 6, Pt. 2. (\*HB 1524).

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Held on the Clerk's desk pending third consideration of companion House Bill.

**REPORTS FROM STANDING COMMITTEES**

**EDUCATION  
June 18, 1991**

MR. SPEAKER: Your Education Committee reports that we have carefully considered and recommend for concurrence: Senate Joint Resolution(s) No(s). 80 and 128.

DAVIDSON, Chair.

Under the rules, Senate Joint Resolution(s) No(s). 80 and 128 was/were transmitted to the Calendar and Rules Committee.

**FINANCE, WAYS AND MEANS  
June 18, 1991**

MR. SPEAKER: Your Finance, Ways and Means Committee reports that we have carefully considered and recommend for passage: House Bill(s) No(s). 697 and 1524.

BRAGG, Chair.

Under the rules, House Bill(s) No(s). 697 and 1524 was/were transmitted to the Calendar and Rules Committee.

**HEALTH AND HUMAN RESOURCES  
June 18, 1991**

MR. SPEAKER: Your Health and Human Resources Committee reports that we have carefully considered and recommend for concurrence: Senate Joint Resolution No. 239.

DIXON, Chair.

Under the rules, Senate Joint Resolution No. 239 was/were transmitted to the Calendar and Rules Committee.

**ENGROSSED BILLS  
June 18, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 575; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**TUESDAY, JUNE 18, 1991 -- FIFTY-SECOND LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE  
June 18, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 269; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENGROSSED BILLS  
June 18, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 425, 426, 427, 428, 429, 430, 431 and 432; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
June 18, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 519; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
June 18, 1991**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 912, 1228 and 1361; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
June 18, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 309; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

Senate Joint Resolution No. 0309 -- Memorials, Death -- Charlie Fletcher. by \*Ford, et al.

**TUESDAY, JUNE 18, 1991 -- FIFTY-SECOND LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE  
June 18, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 33, 236, 298, 414, 415, 416, 417, 419, 420, 421, 422 and 423; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
June 18, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 145, 414, 1075 and 1143; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**\*Senate Bill No. 0145** -- Insurance Companies, Agents, Brokers -- Allows rate increases or decreases for insurer with deductible plan for workers' compensation. Amends TCA 56-5-313. by \*Patten, Davis E.

**\*Senate Bill No. 0414** -- District Attorneys -- Authorizes additional assistant district attorneys general and criminal investigators in 23rd judicial district. Amends TCA 16-2-506. by \*Darnell, Haynes.

**Senate Bill No. 1075** -- Military -- Authorizes certain financial relief to national guardmen and reservists displaced by Persian Gulf Conflict. by \*Cohen, \*Kyle.

**\*Senate Bill No. 1143** -- Taxes, Excise -- Revises allocation formula for cities and counties under bank excise tax revenues. Amends TCA 67-4-813. by \*Darnell.

**ROLL CALL**

The roll call was taken with the following results:

Present . . . . . 97

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson

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(Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Thursday, June 20, 1991.